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West Bengal Legislative Assembly

Third Session

(September, 1948)

The 20th, 21st, 22nd, 23rd, 27th, 28th and 29th September, 1948.

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1949

GOVERNMENT OF WEST BENGAL.

GOVERNOR

His Excellency Dr. K. N. Katju

MEMBERS OF THE COUNCIL OF MINISTERS.

1. The Hon'ble Dr. Bidhan Chandra Roy, Premier, Leader of tl House and Minister-in-charge of the Home (excluding tl Police) Transport Branches and of the Department of Heal and Local Self-Government excluding the Jails Branch.
2. The Hon'ble Sri Nalini Ranjan Sarker, Minister-in-charge of tl Departments of Finance, Commerce and Industries (includ Cinchona).
3. The Hon'ble Sri Rai Harendra Nath Chaudhuri, Minister-i charge of the Education Department.
4. The Hon'ble Sri Bimal Chandra Sinha, Minister-in-charge of tl Departments of Works, Buildings and Communications a Land and Land Revenue.
5. The Hon'ble Sri Niharendu Dutt-Mazumdar, Minister-in-char of the Judicial Departments.
6. The Hon'ble Sri Kalipada Mukherjee, Minister-in-charge of t Labour Department.
7. The Hon'ble Sri Bhupati Mazumdar, Minister-in-charge of tl Department of Irrigation and Waterways.
8. The Hon'ble Sri Prafulla Chandra Sen, Minister-in-charge the Department of Civil Supplies.
9. The Hon'ble Sri Nikunja Behary Maity, Minister-in-charge the Department of Co-operation, Credit, Relief and Rehabilit tion.
10. The Hon'ble Sri Jadabendra Nath Panja, Minister-in-charge the Department of Agriculture and Veterinary.
11. The Hon'ble Sri Kiran Sankar Roy, Minister-in-charge of tl Home (Police and Jails) Department.
12. The Hon'ble Sri Mohini Mohan Barman, Minister-in-charge Excise Department.
13. The Hon'ble Sri Hem Chandra Naskar, Minister-in-charge of tl Forest (excluding Cinchona) and Fisheries Department.

GOVERNMENT OF WEST BENGAL.

PRINCIPAL OFFICERS.

Speaker.

The Hon'ble Sri Iswar Das Jalan.

Deputy Speaker.

Sri Ashutosh Mallick.

Secretary.

Sri Ajita Ranjan Mukherjea, M.Sc., B.L.

Assistant Secretary.

Sri Charu Chandra Chakrabarty, B.L.

Registrar.

Janab Rafiqur Rahman, M.A., B.L.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 20th September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 12 Hon'ble Ministers and 60 Members.

STARRED QUESTIONS

(to which oral answers were given)

Anti-Corruption Department.

*13. **Sri BIMAL COMAR GHOSE:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) the number of—

(i) gazetted officers,

(ii) non-gazetted officers, and

(iii) other Government employees who have been (1) suspended, (2) prosecuted, and (3) convicted as a result of the activity of the Anti-Corruption Department of the Government;

(b) whether any action has been taken against any officers or employees of the Anti-Corruption Department of the Government for corrupt practices;

(c) if so,—

(i) what action has been taken, and

(ii) against how many; and

(d) the annual cost of the Anti-Corruption Department of the Government?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Dr. Bidhan Chandra Roy): (a) The number of—

	Suspended. (1)	Prosecuted. (2)	Convicted. (3)
(i) Gazetted officers ..	8	2	Nil.
(ii) Non-gazetted officers ..	16	34	2
(iii) Other Government employees	23	32	2

(1) Suspended for departmental action.

(2) All Government servants prosecuted were necessarily suspended.

(3) Two Government servants were acquitted. Other cases are pending.

Besides these 14 bribe-givers were prosecuted, three of whom have been convicted. Cases against others are pending.

(b) No.

(c) Does not arise.

(*d*) The Anti-Corruption Department has not yet completed one year of its life. It is, therefore, not possible to give annual expenditure on it at this date. A statement of monthly expenditure on salaries and allowances of officers and employees of that department is appended.

Statement referred to in reply to clause (d) of starred question No. 13.

PRESENT MONTHLY EXPENSES ON SALARIES AND ALLOWANCES OF SPECIAL OFFICER, ANTI-CORRUPTION, AND HIS STAFF.

	Rs.
Special Officer	2,250
Nine Police Officers	3,346
One Deputy Superintendent of Police.	
Two Inspectors.	
Six Sub-Inspectors.	
Four constables	256
Five Office Assistants	982
One Accountant.	
Two Assistants.	
One Typist.	
One Stenographer.	
Four orderlies and peons	224
Total .	7,058

Sri BIMAL COMAR GHOSE: Will the Hon'ble Premier be pleased to state if of the 68 cases prosecuted only 6 have so far been disposed of?

The Hon'ble Dr. BIDHAN CHANDRA ROY: I have given all the figures. You can add up.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Premier be pleased to state whether all the other cases are pending? It is not clear to me.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I want notice. If you give me notice I will answer.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Premier be pleased to state if there is any truth in the statement that there is a growing tendency on the part of the department to recommend that departmental action be taken as sufficient evidence cannot be collected for prosecuting the employees concerned?

The Hon'ble Dr. BIDHAN CHANDRA ROY: I have not heard that statement.

Sri JYOTI BASU: Will the Hon'ble Premier be pleased to state as to when these 8 gazetted officers and the other non-gazetted officers as well were suspended?

The Hon'ble Dr. BIDHAN CHANDRA ROY: I cannot give you the dates off-hand.

Sri JYOTI BASU: With regard to answer (*c*), namely, other cases are pending, will the Hon'ble Premier be pleased to state how long the cases are pending?

The Hon'ble Dr. BIDHAN CHANDRA ROY: That also requires notice.

Assurance given by "Swadhinata".

*18. **Sri BIMAL COMAR GHOSE:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether he is aware of a statement by Mr. Somnath Lahiri in the *Swadhinata* and published in its issue of the 5th March, 1948, to the effect that *Swadhinata* had not given any assurance as it did not accept the accusation made by the Premier that the paper had published any matter inciting lawlessness and violence;

(*b*) whether it is a fact—

(*i*) that the Government considered the editorials published on the 31st January, 1948, the 2nd February, 1948, and the 3rd February, 1948, to be containing matters inciting lawlessness and violence, and

(*ii*) if so, did the Government obtain thereby any assurance or undertaking from the *Swadhinata* to the effect that the said paper would not in future publish anything which might tend to incite lawlessness or violence; and

(*c*) if the answers to question (*b*) (*i*) and (*ii*) are in the affirmative, will the Hon'ble Minister state if the assurance or undertaking was verbal or written?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Sri Kiran Sankar Roy): (*a*) and (*b*) (*i*) Yes.

(*ii*) From a discussion with the management of the *Swadhinata* the Hon'ble Premier was satisfied that the said paper would not in future publish anything which might tend to incite lawlessness and violence.

(*c*) The discussion and assurance were verbal.

Sri JYOTI BASU: With regard to answer (*a*) and (*b*)(*i*) that there were certain editorials which incited lawlessness and violence, will the Hon'ble Minister be pleased to state whether it was not of a nature which would have enabled the Government to take the paper to the Court?

The Hon'ble Sri KIRAN SANKAR ROY: I have not the paper with me here; therefore I want notice.

Sri JYOTI BASU: With regard to answer (*c*) that the discussion and assurance were verbal, will the Hon'ble Home Minister be pleased to state whether the statement of Mr. Somnath Lahiri in the Swadhinata to the effect that he did not accept the accusation made by the Premier that the paper had published any matter inciting lawlessness and violence was contradicted by the Hon'ble Premier?

The Hon'ble Sri KIRAN SANKAR ROY: I am not aware of that.

UNSTARRED QUESTION

(answer to which was laid on the table)

P.L.A.'s of the Agriculture Department.

2. **Sri KANAI LAL DE:** Will the Hon'ble Minister in charge of the Agriculture and Veterinary Department be pleased to state—

(*a*) কৃষি বিভাগে কতজন P.L. A. কে নওয়া হইয়াছে;

(*b*) ঐসকল কর্ম্মচারীকে কি কাজ করিতে দেওয়া হইয়াছে;

(*c*) কৃষি সম্বন্ধে তাহাদের কোন শিক্ষা আছে কি না;

(*d*) যদি না থাকে, তবে তাহাদিগকে কৃষি সম্বন্ধে শিক্ষা দিয়া কৃষকদের সাহায্যে নিয়োজিত করা বাঞ্ছনীয় কি না; এবং

বাঞ্ছনীয় হইলে, সে বিষয়ে কি ব্যবস্থা অবলম্বন করা হইতেছে?

MINISTER in charge of the ACRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Sri Jadabendra Nath Panja): (*a*) মোটামুটী, প্রতি ইউনিয়নে একটী হিসাবে, ১,৭০০এর কিছু বেশী।

(*b*) গভর্ণমেন্টের বর্ত্তমান সিদ্ধান্ত অনুযায়ী তাহাদের কার্য্যতালিকা নিম্নলিখিতরূপঃ—

(ক) প্রতি গ্রামের প্রত্যেক পরিবারের জমির পরিমাণ এবং তাহাতে উৎপন্ন শস্যের ও অন্যান্য কৃষিকার্য্য-সংক্রান্ত বিবরণীর রেকর্ড প্রস্তুত ও সংরক্ষণ;

(খ) পতিত জমির তালিকা-প্রস্তুতি ও সংরক্ষণ;

(গ) মৎস্যজীবীদের তালিকা প্রস্তুতকরণ ও তাহাদের প্রয়োজনীয় সূতা ও ঐ জাতীয় দ্রব্যের চাহিদা নির্ণয় করিয়া তাহাদের মধ্যে ঐসকল দ্রব্যের যথাযথ বণ্টন-ব্যবস্থা;

(ঘ) মৎস্য-চাষোপযোগী পুষ্করিণী, বিল এবং অন্যান্য জলাশয়ের তালিকা প্রস্তুত করা এবং ঐ সমস্ত জলাশয়ে মৎস্য-চাষ প্রবর্ত্তন-বিষয়ে মৎস্য বিভাগের কর্ম্মচারিগণের সহায়তা করা;

(ঙ) যে সকল খাল জলসেচন বা নিষ্কাসন-কার্য্যে ব্যবহৃত হয় তাহাদের রেকর্ড প্রস্তুত করা এবং যথাযথভাবে যাহাতে ঐ খালগুলি সংরক্ষিত হয় তাহার ব্যবস্থা;

(চ) বৈজ্ঞানিক পদ্ধতিতে নির্দ্ধারিত শস্যের উৎপাদনের পরিমাণ নির্দ্ধারণের পরিপূরক হিসাবে কৃষিজাত দ্রব্যের পরিমাণ নির্দ্ধারণ, এবং যে সমস্ত শস্যের ক্ষেত্রে অন্য কোনও বৈজ্ঞানিক উপায় অবলম্বন সম্ভব নহে তাহারও উৎপাদনের পরিমাণ নির্দ্ধারণ;

(ছ) প্রত্যেক ইউনিয়নের গবাদি পশুর এবং হাঁস, মুরগী প্রভৃতির সংখ্যা নির্দ্ধারণ এবং ঐ সংখ্যার পরিবর্ত্তনের রেকর্ড সংরক্ষণ;

(জ) প্রাকৃতিক দুর্যোগ, পশুমড়ক এবং শস্য-ক্ষতিকর কীটপতঙ্গের আবির্ভাব সম্বন্ধে তৎপরতার সহিত বিবরণ পেশ;

(ঝ) বাজারদর প্রভৃতি তথ্যসংগ্রহ এবং কৃষকদের সাহায্যার্থে ঐ সংবাদ প্রচার;

(ঞ) প্রত্যেক ইউনিয়নের কৃষকদিগের নিকট হইতে তাহাদের প্রত্যেকের চাহিদার পরিমাণ নির্দ্ধারণ করিয়া বীজ, সার, কৃষিযন্ত্রপাতি এবং গবাদি পশু প্রভৃতির চাহিদা অনুসারে যথাযথ বণ্টনের ব্যবস্থা;

(ট) স্থানীয় নেতৃগণের সহায়তা অথবা কৃষি সমবায় সমিতির মারফত অথবা অন্য উপায়ে উন্নত ধরণের বীজ, সার, কৃষিযন্ত্রপাতি, গবাদি পশু এবং গবাদি পশুক্রয়ের জন্য ঋণ বিতরণের সাহায্য;

(ঠ) দোফসলী চাষ, পতিত জমি আবাদ এবং হাঁস-মুরগীপালন প্রভৃতি বিষয়ে কৃষকদিগকে প্রণোদিত করা;

(ড) কৃষকদিগকে স্থানীয় সেচন এবং জলনিষ্কাসন প্রণালীগুলির উন্নতিসাধনের জন্য উৎসাহিত করা;

(ঢ) স্থানীয় পুষ্করিণী এবং অন্যান্য জলাশয়গুলিতে মৎস্যের চাষ এবং অন্য উপায়ে মৎস্য উৎপাদন বৃদ্ধি করিবার জন্য উৎসাহিত করা;

(ণ) কৃষি বিভাগের বিশেষজ্ঞ কর্ম্মচারীদের নির্দেশানুসারে বৈজ্ঞানিক প্রথায় উন্নত ধরণের চাষ এবং পশুপালন প্রভৃতি বিষয়ে কৃষকদিগকে উদ্বুদ্ধ করা; এবং

(ত) খাদ্যশস্যের উৎপাদন-ব্যাঘাত না করিয়া পাটচাষ নিয়ন্ত্রণাদেশানুসারে অনুমতিপত্রবিতরণ।

(*c*) সাধ্যানাই আছে।

(*d*) সাধারণ নীতির দিক হইতে নিশ্চয়ই বাঞ্ছনীয়, কিন্তু দীর্ঘকাল চাষের কার্য্যে হাতেকলমে অভিজ্ঞ চাষীগণকে প্রকৃত বৈজ্ঞানিক প্রথায় চাষ শিক্ষা দিবার জন্য যে পরিমাণ শিক্ষার প্রয়োজন, অল্পবেতনভোগী নিম্নস্তরের কর্ম্মচারীদিগকে ততদূর শিক্ষা দেওয়া সম্ভব নহে। পক্ষান্তরে, সমস্ত কৃষকগণের সহিত সম্যক্ [illegible]

অভিপ্রায় দূরূহ। এমতাবস্থায় সরকার একটী মধ্যনীতি অবলম্বন করিয়া সমগ্র কৃষককুলের সহিত ঘনিষ্ঠ যোগাযোগরক্ষা এবং তাহাদের সহিত শিক্ষিত কৃষিপারদর্শিগণের যোগাযোগস্থাপনকল্পে এবং বর্ণিত যেসব কর্ত্তব্যে কৃষিবিষয়ক উচ্চশিক্ষার বেশী প্রয়োজন নাই, সেই সব কার্য্য সম্পাদনের জন্য, এই শ্রেণীর কর্ম্মচারী নিযুক্ত করিবার প্রস্তাব করিয়াছেন।

(*e*) ঐসব কর্ম্মচারিগণকে ক্রমে ক্রমে এক একদল করিয়া বৈজ্ঞানিক চাষ ও পশুপালনবিষয়ে মোটামুটী শিক্ষাপ্রদানের অভিপ্রায় সরকারের আছে।

Sri CHARU CHANDRA BHANDARI : অতিরিক্ত প্রশ্ন স্যার, মাননীয় মন্ত্রী মহাশয় বলবেন কি যে তিনি (*d*) উত্তরে বলেছেন "এমতাবস্থায় সরকার একটী মধ্যনীতি অবলম্বন করিয়া সমগ্র কৃষককুলের সহিত ঘনিষ্ঠ যোগাযোগ রক্ষা এবং তাহাদের সহিত শিক্ষিত কৃষিপারদর্শিগণের যোগাযোগ স্থাপন কল্পে এবং বর্ণিত যেসব কর্ম্মে কৃষিবিষয়ক উচ্চশিক্ষার বেশী প্রয়োজন নাই, সেই সব কার্য্য সম্পাদনের জন্য, এই শ্রেণীর কর্ম্মচারী নিযুক্ত করিবার প্রস্তাব করিয়াছেন, এই যে কর্ম্মচারীদের সম্বন্ধে একটী প্রস্তাব করিয়াছেন এটী কি হিসাবে করিবেন? তাদের Agricultural Assistants বলে নিযুক্ত করা হবে, না, P.L.A. বলে হবে?

The Hon'ble Sri JADABENDRA NATH PANJA : যাঁরা সব ইউনিয়ন এগ্রিকালচারল্ এসিষ্টেণ্ট আছেন, তাঁরা এই যোগাযোগ রক্ষার জন্য আপাততঃ নিযুক্ত আছেন। এখন তাঁদের intelligent testএর মত একটী test নেওয়া হচ্ছে এবং পরে যাঁরা intelligent testএ পাশ করবেন তাঁদের আবার বিশেষ করে training দেবার ব্যবস্থা হবে।

Sri CHARU CHANDRA BHANDARI : মাননীয় মন্ত্রী মহাশয় বলবেন কি এই যে intelligent test নেবার ব্যবস্থা করেছেন সেটা কি পূর্ব্ব থেকে কোন training দিয়ে নেওয়া হচ্ছে, না এমনি সাধারণ ভাবে নেওয়া হচ্ছে।

The Hon'ble Sri JADABENDRA NATH PANJA : না, তাঁরা যে এক বছর কাজ করলেন কিরূপ অভিজ্ঞতা লাভ করলেন তা দেখে নেওয়া হচ্ছে। তারপরে আবার ট্রেনিং দেওয়া হবে।

Sri CHARU CHANDRA BHANDARI : মাননীয় মন্ত্রী মহাশয় বলবেন কি যে, যাঁরা ইউনিয়ন এগ্রিকালচারল্ এসিস্টেণ্ট আছেন, তাঁদের প্রায় প্রত্যেককেই intelligence বা অন্য বিষয়ে দুইবার, তিনবার করিয়া পরীক্ষা নেওয়া হইয়াছে?

The Hon'ble Sri JADABENDRA NATHPANJA : আমি সে সম্বন্ধে অবগত নহি।

Sri CHARU CHANDRA BHANDARI : মাননীয় মন্ত্রী মহাশয় বলবেন কি যাঁরা এই রকম intelligent testএ দাঁড়াতে পারবেন না তাঁদের উপায় কি হবে?

The Hon'ble Sri JADABENDRA NATH PANJA : সে সম্বন্ধে কোন নীতি অবলম্বন করা হয় নি।

Sri CHARU CHANDRA BHANDARI : কিন্তু আগেই কি এটা স্থির হয়নি যে প্রতি ইউনিয়নে একটী হিসাবে যে ২,৭০০ লোক আছে এদের মধ্যে, মাননীয় মন্ত্রী মহাশয়, intelligent test করবার যে পরীক্ষা করছেন তাতে যদি আটশো, নয়শো লোক ফেল হয়ে যায়, যাঁরা পাঁচ, ছয় বছর ধরে কাজ করছেন তাঁদের উপায় কি হবে? এ সম্পর্কে পূর্ব্বথেকে কি কোন পরিকল্পনা করা হয়নি?

The Hon'ble Sri JADABENDRA NATH PANJA : না, এ সম্বন্ধে এখনও কোন নীতি অবলম্বন করা হয়নি।

Sri CHARU CHANDRA BHANDARI : মাননীয় মন্ত্রী মহাশয় তাদের স্বার্থের প্রতি একটু দেখবেন কি? যে সমস্ত লোক মাননীয় মন্ত্রী মহাশয়ের বিভাগে অতিরিক্ত বলিয়া বিবেচিত হইবে, তাহাদিগকে অন্য বিভাগে রাখিবার ব্যবস্থা করিবেন কি?

The Hon'ble Sri JADABENDRA NATH PANJA : ঐ সম্বন্ধে বিবেচনা করা যাইবে।

GOVERNMENT BILLS.

The West Bengal Land Development and Planning Bill, 1948.

Clause 5.

Sri D. N. MUKHERJI: I move that in clause 5(*1*), line 2, for the words "Prescribed Authority" the words "prescribed authority" be substituted.

The Hon'ble Sri BIMAL CHANDRA SINHA: I accept the amendment.

The motion of Sri D. N. Mukherji that in clause 5(*1*), line 2, for the words "Prescribed Authority" the words "prescribed authority" be substituted was then put and agreed to.

The question that clause 5 as amended do stand part of the Bill was then put and agreed to.

Clause 6.

Sri D. N. MUKHERJI: I move that in clause 6(*1*), line 5, for the words "a declaration to that effect" the words "a declaration to the effect that such land is needed for a public purpose" be substituted.

The Hon'ble Sri BIMAL CHANDRA SINHA: I accept the amendment.

The motion of Sri D. N. Mukherji that in clause 6(*1*), line 5, for the words "a declaration to that effect" the words "a declaration to the effect that such land is needed for a public purpose" be substituted was then put and agreed to.

Sri D. N. MUKHERJI: I move that clause 6(*3*) be omitted.

The Hon'ble Sri BIMAL CHANDRA SINHA: I accept the amendment.

The motion of Sri D. N. Mukherji that clause 6(*3*) be omitted was then put and agreed to.

The question that clause 6 as amended do stand part of the Bill was then put and agreed to.

Clause 7.

Sri D. N. MUKHERJI: I move that in clause 7, lines 4 to 6, for the words, figures and brackets "on the expiration of fifteen days from the publication of the notice referred to in sub-section (*1*) of section 4" the words "at any time" be substituted.

The Hon'ble Sri BIMAL CHANDRA SINHA: I accept the amendment.

Janab MD. KHUDA BUKHSH: Sir, I oppose this amendment. Sir, the way in which the clauses are being read and the amendments are being moved take us by surprise. The clause provides that "In cases of urgency, if in respect of any notified area the Provincial Government is satisfied that the preparation of a development scheme is likely to be delayed, the Provincial Government may, at any time, make a declaration under section 6, in respect of such notified area or any part thereof though no development scheme has either been prepared or sanctioned under section 5." When Government is determined to take these powers in any case we have no objection but then they originally were pleased to give 15 days' notice but all of a sudden now they have sprung a surprise on the House to the effect that instead of 15 days' notice they can make the declaration "at any time". In that view of the matter I oppose this measure, Sir.

The Hon'ble Sri BIMAL CHANDRA SINHA: May I say on behalf of the Government that it is not the intention to take away land without any proper notice and, Sir, I may also assure the House that by making

rules we shall see to it that the parties are given proper opportunity for representing their cases. Even a statutory provision of 15 days will be of no help either to the party or to the Government and therefore 15 days has been changed to "at any time".

The motion of Sri D. N. Mukherji that in clause 7, lines 4 to 6, for the words, figures and brackets "on the expiration of fifteen days from the publication of the notice referred to in sub-section (*1*) of section 4" the words "at any time" be substituted was then put and agreed to.

The question that clause 7 as amended do stand part of the Bill was then put and agreed to.

Clause 8.

Sri D. N. MUKHERJI: I have a short-notice amendment, Sir.

Mr. SPEAKER: Yes, I have seen it; it seems more or less similar to the printed one. You are not moving the printed amendment, I believe.

Sri D. N. MUKHERJI: I am not moving the printed No. 11. I am moving the short-notice amendment in its place.

Shaik MOHAMAD RAFIQUE: Sir, I protest against the bad procedure for short-notice amendments which was followed by Government not at one time but every time when we meet. There was ample time, Sir, to put in this short-notice amendment. The Government could have sent it on Saturday and we could have got it on Sunday. That was not done so and to-day at the eleventh hour this has been sprung upon the House. Sir, there is no time left to even read such a long short-notice amendment as it was circulated to us just a minute back. It is humanly impossible. We are not in a position to discuss it or take part in its debate because the mover simply reads it and has not courtesy to explain his amendment. The votes are immediately taken. We therefore seek your protection to safeguard our rights and privileges in the House.

Sri JYOTI BASU: What I would suggest, after what has been stated by Janab Rafique is, as it has become the practice with the Government to hand in to us all sorts of short-notice amendments at the eleventh hour that, at least, when the amendments are moved it would be explained as to why they are moved and in this instance what is the difference between this amendment which has just been handed and the other one, the printed amendment, which had been handed to us a few days back. If explanations are given then at least we can understand what is happening; otherwise it is very difficult for us to follow. I do not know why no speeches are made by the mover.

Sri D. N. MUKHERJI: With your permission, Sir, let me move this short-notice amendment; the Hon'ble Minister will explain the position.

I move that for clause 8 the following clause be substituted, viz.:

Application of Act I of 1894 subject to special provision for compensation.

"8. A declaration under section 6 shall be conclusive evidence that the land in respect of which the declaration is made is needed for a public purpose, and after making such declaration, the Provincial Government may acquire the land and thereupon the provisions of the Land Acquisition Act, 1894 (I of 1894) (hereinafter in this section referred to as the said Act), shall, so far as may be, apply:

Provided that—

(*a*) if in any case the Provincial Government so directs, the Collector may, at any time after a declaration is made under section 6, take possession, in accordance with the rules, of any beel, baor, tank or other watery area, or any other waste or arable land in respect of which the declaration is made and thereupon such land shall vest absolutely in the Crown free from all encumbrances;

Explanation.—For the purposes of this clause the decision of the Provincial Government as to whether any land is or is not waste or arable land shall be final;

(*b*) in determining the amount of compensation to be awarded for land acquired in pursuance of this Act the market value referred to in clause first of sub-section (*1*) of section 23 of the said Act shall be deemed to be the market value of the land on the date of publication of the notification under sub-section (*1*) of section 4 for the notified area in which the land is included subject to the following condition, that is to say, if such market value exceeds by any amount the market value of the land on the 31st day of December, 1946, on the assumption that the land had been at that date in the state in which it in fact was on the date of publication of the said notification, the amount of such excess shall not be taken into consideration".

Janab MD. KHUDA BUKHSH: On a point of order, Sir. The amendment that has just been moved in the last paragraph (*b*) reads as follows: "in determining the amount of compensation to be awarded for land acquired in pursuance of this Act the market value referred to in clause first of sub-section (*1*) of section 23 of the said Act shall be deemed to be the market value of the land on the date of publication of the notification under sub-section (*1*) of section 4 for the notified area in which the land is included subject to the following condition, that is to say, if such market value exceeds by any amount the market value of the land on the 31st day of December, 1946, on the assumption that the land had been at that date in the state in which it in fact was on the date of publication of the said notification the amount of such excess shall not be taken into consideration."

Sir, the two proposals are contradictory inasmuch as it says that the market value shall be deemed to be market value on the date of the publication of the notification, and then in the same breath it goes on to say that it shall not come under the Act and the Act shall be inoperative. Sir, can this amendment be moved because it is self-contradictory?

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, it is no point of order because the provision is really to the effect that the provision of the Land Acquisition Act shall be operative but only subject to certain conditions, namely, that the market value as provided in the Land Acquisition Act will be given but if there is any excess in the assessment of that market value, if the value is in excess of what was obtained in December 1946, that excess will not be taken into account. Therefore with regard to the provisions of the Land Acquisition Act that have been taken into account subject to certain limitations I think there is nothing anomalous, and I submit this is quite in order.

Mr. SPEAKER: Yes, it is in order.

Janab MD. KHUDA BUKHSH: I rise again on a point of order, Sir. It seeks to amend the relative provisions of the Land Acquisition Act. Can this amendment be permitted by a reference?

The Hon'ble Sri BIMAL CHANDRA SINHA: May I submit, Sir, that such references are always permissible in Acts, that such and such procedure laid down in such and such Acts shall be followed or become operative under certain directions given in the Acts. This is the usual procedure followed by legislature.

Mr. SPEAKER: As a matter of fact the original motion which was tabled by Sri Dhirendra Narayan Mukherjee required sanction under section 299 of the Act because it involves the question of right on land. But instead of that motion which has not been moved Government moved a cyclostyled motion. Has the Governor's sanction been obtained to this motion also?

The Hon'ble Sri BIMAL CHANDRA SINHA: Yes, Sir, Governor's sanction has been obtained and perhaps your office has received that by this time.

Janab MD. KHUDA BUKHSH: Sir, we want to be satisfied that the approval of the Governor has been received by your office.

Mr. SPEAKER: I am informed by the Secretary that he has not yet received the sanction, but I accept the statement of the Hon'ble Minister that sanction has been obtained.

Janab MD. KHUDA BUKHSH: Sir, when your office says that approval has not been received, will it be in order for Government to move this amendment?

The Hon'ble Dr. BIDHAN CHANDRA ROY: After all, the objection of my friend seems to be puerile because the only difference between the original amendment and the present one is the addition of the two words "beels" and "tanks", otherwise it is practically the same.

Shaik MOHAMAD RAFIQUE: On a point of information, Sir. What is the amendment? Is it a new one or that which has been printed and circulated?

Mr. SPEAKER: There is one printed amendment but instead of that he has moved a short-notice amendment.

Shaik MOHAMAD RAFIQUE: Sir, here is an amendment which is before us and which he is not supposed to have moved. Then what is the amendment? Shall we take the amendment that he has read or the printed one that is before us? If I may be permitted to make it clear, while reading the amendment to clause 8 he has added two words which the reporters might delete later on. He has added the words "special provision for" which were not in the amendment.

Mr. SPEAKER: Apart from the motion on paper whatever, if anything, he has added will not be taken into consideration.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, so far as I have heard Mr. Mukherjee, he has read and moved verbatim whatever there is in the cyclostyled copy.

Mr. SPEAKER: It may be taken for granted that whatever there is on record in the paper has been moved. He cannot add to or omit anything from the cyclostyled copy.

Janab MD. KHUDA BUKHSH: Can the amendment be moved at all, Sir, when the sanction of the Governor has not yet been received in your office?

Mr. SPEAKER: As far as that is concerned, on the Minister's assurance that sanction has been obtained I feel that I am satisfied that the Governor's sanction has been taken. I can rely upon the Hon'ble Minister's statement that sanction has been received.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, this amendment has been moved, and now the honourable members opposite complain to the effect that this amendment ought to have been circulated before. I can appreciate the points made by the honourable members opposite, but having great regard for their intelligence and sharpness I might be excused this time at least for not having circulated it before, because the amendment is only a verbal amendment making no great difference. The only difference is only a matter of legal interpretation whether land should include water. There being some doubt on this point it has been made clear in this short-notice amendment that while taking possession of lands Government would also be able to take possession of sheets of water, beel, baor, and all that.

Janab MD. KHUDA BUKHSH: Why do you want to have this amendment?

The Hon'ble Dr. BIDHAN CHANDRA ROY: To drown people in. (Laughter.)

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I might explain the real object of moving this amendment. Unless we take possession of beels and water tracts, it would be difficult to nurture fish fries so that fish might develop in those places, and with that end in view, I hope, this amendment is made. As a matter of fact, in the ordinary interpretation of the term "land", "water" is included, so that there might not be any difficulty of interpretation. In order to make it more clear and specific these few words have been added.

The motion of Sri Dhirendra Narayan Mukherji that for clause 8 the following clause be substituted, viz.:—

"8. A declaration under section 6 shall be conclusive evidence that the land in respect of which the declaration is made is needed for a public purpose and, after making such declaration, the Provincial Government may acquire the land and thereupon the provisions of the Land Acquisition Act, 1894 (1 of 1894) (hereinafter in this section referred to as the said Act), shall, so far as may be, apply:

Application of Act I of 1894 subject to special provision for compensation.

Provided that—

(*a*) if in any case the Provincial Government so directs, the Collector may, at any time after a declaration is made under section 6, take possession, in accordance with the rules, of any beel, baor, tank or other watery area, or any other waste or arable land in respect of which the declaration is made and thereupon such land shall vest absolutely in the Crown free from all encumbrances;

Explanation. For the purposes of this clause the decision of the Provincial Government as to whether any land is or is not waste or arable land shall be final;

(*b*) in determining the amount of compensation to be awarded for land acquired in pursuance of this Act the market value referred to in clause first of sub-section (*1*) of section 23 of the said Act shall be deemed to be the market value of the land on the date of publication of the notification under sub-section (*1*) of section 4 for the notified area in which the land is included subject to the following condition, that is to say, if such market value exceeds by any amount the market value of the land on the 31st day of December, 1946, on the assumption that the land had been at that date in the state in which it in fact was on the date of publication of the said notification, the amount of such excess shall not be taken into consideration,"

was then put and agreed to.

The question that clause 8, as amended, do stand part of the Bill was then put and agreed to.

Clause 9.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 9, line 3, after the words "if it so considers expedient," the words "retain, let on hire, lease, sell, exchange or otherwise" be inserted.

I also move that in clause 9, lines 4 to 7, the words "in such manner and to such parties as it may think fit without having any development scheme prepared, executed or fully executed, as the case may be" be omitted.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept these amendments.

Sri BIMAL COMAR GHOSE: Sir, I beg to move that to clause 9 the following proviso be added, namely:—

"Provided that—

(*a*) where the Provincial Government decides to lease or sell any land acquired in pursuance of this Act, the person or persons from whom the land was so acquired shall, in such manner as the Provincial Government may direct, be offered a prior right to take on lease or to purchase the land on such terms and conditions as may be determined by the Provincial Government;

(*b*) if, in any case, two or more persons claim to exercise a right offered under clause (*a*), the right shall be exercisable by such of the claimants as the Provincial Government may determine."

Sir, just one word to explain what this clause means. It has the same meaning as amendment No. 17 but phrased in legal terminology. I intended to move a proviso to the effect that the land that was to be so disposed of shall in the first instance be offered to the original owners on such terms and conditions as the Government may decide. I think that is a fair proposition which should be accepted.

The Hon'ble Sri BIMAL CHANDRA SINHA: I accept it, it being a very fair proposition.

The motion of Sri D. N. Mukherji that in clause 9, line 3, after the words "if it so considers expedient," the words "retain, let on hire, lease, sell, exchange or otherwise" be inserted, was then put and agreed to.

The motion of Sri D. N. Mukherji that in clause 9, lines 4 to 7, the words "in such manner and to such parties as it may think fit without having any development scheme prepared, executed or fully executed, as the case may be" be omitted, was then put and agreed to.

The motion of Sri Bimal Comar Ghose that to clause 9 the following proviso be added, namely:—

"Provided that—

(*a*) where the Provincial Government decides to lease or sell any land acquired in pursuance of this Act, the person or persons from whom the land was so acquired shall, in such manner as the Provincial Government may direct, be offered a prior right to take on lease or to purchase the land on such terms and conditions as may be determined by the Provincial Government;

(*b*) if, in any case, two or more persons claim to exercise a right offered under clause (*a*), the right shall be exercisable by such of the claimants as the Provincial Government may determine.",

was then put and agreed to.

The question that clause 9, as amended, do stand part of the Bill was then put and agreed to.

Clause 10.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 10(*1*), line 2, for the words "Prescribed Authority" the words "prescribed authority" be substituted.

The Hon'ble Sri BIMAL CHANDRA SINHA: I accept the amendment.

The motion was then put and agreed to.

The question that clause 10, as amended, do stand part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 do stand part of the Bill was then put and agreed to.

Clause 12.

Sri D. N. MUKHERJI: Sir, I beg to move that clause 12(2) be omitted.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept the amendment.

The motion was then put and agreed to.

The question that clause 12, as amended, do stand part of the Bill was then put and agreed to.

New clause 12A.

Sri D. N. MUKHERJI: Sir, I beg to move that after clause 12, the following new clause be inserted, namely:—

Delegation of powers.

"12A. The Provincial Government may by notification in the Official Gazette direct that any or all of the powers conferred upon it by this Act shall be exercisable also by such authority subject to such conditions, if any, as may be specified in the notification."

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept the amendment.

The motion was then put and agreed to.

Clause 13.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 13(2), for paragraph (*a*) the following paragraph be substituted, namely:—

"(*a*) the designation, constitution and manner of appointment of the prescribed authority."

I also move that in clause 13(2), after paragraph (*b*), the following new paragraph be inserted, namely:—

"(*bb*) the manner of taking possession of land referred to in clause (*a*) of the proviso to section 8;"

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept these amendments.

The motion of Sri D. N. Mukherji that in clause 13(2), for paragraph (*a*) the following paragraph be substituted, namely:—

"(*a*) the designation, constitution and manner of appointment of the prescribed authority."

was then put and agreed to.

The motion of Sri D. N. Mukherji that in clause 13(2), after paragraph (*b*), the following new paragraph be inserted, namely:—

"(*bb*) the manner of taking possession of land referred to in clause (*a*) of the proviso to section 8;",

was then put and agreed to.

The question that clause 13, as amended, do stand part of the Bill, was then put and agreed to.

New clause 13A.

Sri D. N. MUKHERJI: Sir, I beg to move that after clause 13, the ollowing new clause be added, namely:—

"13A. Any appointment or rules made or any notification issued, or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under ıe West Bengal Land Development and Planning Ordinance, 948, shall, on the said Ordinance ceasing to operate, be deemed) have been made, issued, done, taken, or commenced in exercise of powers conferred by or under this Act as if this Act had commenced on the 27th day of April, 1948."

Continuance of action ken under the West Ben- l Ordinance II of 1948.

West Ben. Ord. II of 1948.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept the amendment.

The motion was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill, was then put and agreed to.

The Hon'ble Sri BIMAL CHANDRA SINHA: I beg to move that the West Bengal Land Development and Planning Bill, 1948, as settled in the Assembly, be passed.

Sri JYOTI BASU: Mr. Speaker, Sir, before this Bill was put on the Statute Book I should like to make a few comments. On reading the statement of objects and reasons it seemed to me that this Bill was like one of those old time Congress manifestos which gave all sorts of promises, because Congress leaders knew that they would not have to show to the people that within a few years they would be fulfilling those promises, because at that time the Congress was not in office. But now the Congress is running the Government in India. People will not be so easily satisfied by merely reading such statements which are given here in the objects and reasons of the statement. Now, Sir, this Bill, it seems to me, provides for everything under the sun, and it lays down that Government wishes to acquire land in order to improve and develop agriculture, forestry, fishery, industry, and so on and so forth—not only for the limited purpose, i.e., for the refugees who are pouring in in West Bengal but for the people of West Bengal as a whole. Were it not so ambitious one would take this Bill seriously, if it was intended for a limited purpose and if the idea was that the provisions in the Bill would be carried out within a specified period of time. But unfortunately that is not so, and the Government—again I do not know why—is making all sorts of promises in the Bill. It is good reading. But we know that only a few months back when the budget was placed in the West Bengal Legislative Assembly, similar promises had been made therein, and we were told of all sorts of post-war schemes which would be put into effect in order to improve the living conditions of the people of Bengal and raise their conditions of life. But I do not know how far they have progressed with those schemes within the last few months. At least we do not see any visible effect with regard to that except that we see a few tiger-marked buses running in Calcutta. But apart from that we see all over West Bengal—whether it be in the villages or in the towns—complete misery prevailing—all-round misery. Now let us see what are the implications of this Bill, what it purports to do, if the provisions are meant to be serious, if the statement of objects and reasons is meant to be serious. If that is so, Government have to improve and develop industry. It means that Government have to take the initiative in this matter from the private capitalists and bring forward their own plan whereby for the

whole of West Bengal they can plan out. The basis of planning is that we must be told that within such and such a time-limit we shall do such and such thing. But, on the contrary, as far as industry is concerned, whatever may be said in this particular Bill, as the initiative has been by a solemn declaration by the Government of India left to private industrialists it would be impossible for Government to plan out its own scheme, because wherever there is found private capitalism there is bound to be anarchy. Private businessmen do not go to the market for the benefit of the people but because they want to make profits and therefore there is always anarchy wherever there is private industry. I do not see how acquiring a few acres of land here and there would help Government to build up industries on its own initiative when it has left the initiative to private capitalists. Then, Sir, it goes on to say in agriculture, forestry, etc., development and improvement would be effected. Here again it has been long recognised by the Congress also that the abolition of the zemindary system was the only way out of this tangle, this difficulty with which we are faced, and we are told that such a Bill is going to come very shortly. But we know that this particular Bill in its provisions tries to tell us that without the abolition of the zemindary system, without giving the lands to the tillers it would be possible to improve and develop agriculture and forestry in such a way that Government can improve the economic life of the people, the living condition of the people. If this is a new-found theory of the Congress Government I have nothing to say.

But as far as I was aware, all were agreed in our country till a few years back that without the abolition of the zemindary system and without compensation it was not possible to develop agriculture, fisheries or forestry as long as they were the properties of private individuals. Similarly we are told of the creation of better living conditions in the urban and rural areas with the object of the economic betterment of the local people—a very noble object no doubt, but was it the lack of this particular Bill that was holding up the Government from lowering the prices of things as they prevail today in rural and urban areas? With regard to clothing, housing and food, the people are suffering everywhere in West Bengal. Was it because Government had no such power to acquire land that they could not check inflation, that they could not do anything or was it because they were following an anti-people, pro-capitalist, pro-zemindary policy that it was impossible for them to check inflation? That is the question which has got to be answered by the Government, because the people would like to know this. I feel that so long as the present policy of the Government continues, i.e., so long as they are going to be guided by the dictates of the capitalists and the landlords and other vested interests in our country, so long you may, for election purposes, have any Bill with any object in view, but that will not help us out of the situation. Inflation, blackmarketing and other things are happening not because of any lack of power in the hands of Government, it is not that the Government cannot prevent the inflation because they have no power. Now, that Government have taken such powers under this Bill we hope we would not hear hereafter in trams and buses this criticism of the Government that prices of fish are going up, cloth cannot be found, houses cannot be found. But in fact, there is no scheme as far as housing is concerned. When the price of cloth was rising Government all on a sudden ventured on its policy of decontrol without even listening to the Economic Advisers of the Government itself. The result was tremendous chaos and lawlessness all over Bengal for which of course Government blames the people. But in fact if the Government thought over it twice they would blame themselves for their inefficiency. In any other country probably the Government would have the decency to quit office and leave it to others who could govern properly. But, unfortunately, our Government will not do that and it will hold on to office. Therefore I would end by saying that we shall certainly give them—if the Government want they can take any powers

ey wish to curb the blackmarketers, the profiteers and the capitalists, erybody would be willing to give them those powers, but at the same time e people would also want to know how the powers were going to be used. ecause the people have seen the Congress rule for the last one year. herefore I think that next year at this time—if we again meet here—we all find that we shall be where we are today and things will not improve. ecause the Government, I know, will not change its policy of appeasing e vested interests. For it has in fact become a Government representing e vested interests. Therefore it cannot change its policy and so I think is will not help us. Of course for election purposes it would be a good anifesto, but I wonder whether the people will take it seriously.

Janab MD. KHUDA BUKHSH: Sir, within a few minutes this Bill ill be put on the Statute Book. Now, Sir, before it is finally passed into Act, I should like to be satisfied on a few points that concern me rsonally as I come from a border district. Sir, immediately this Bill is it on the Statute Book any land which now also under the law includes ater and surely includes also a homestead, I believe, Government will ive the power to take any land for settling the refugees primarily in a anned way, and also for other purposes, but, Sir, I have a sneaking fear at, in the name of settling the refugees in a planned way, the provisions this Bill might be used to dispossess the poor Muslims from their lands. r, this has been in the air for a long time and in giving expression to it am only doing justice to my constituency,—that it has been the talk in e district that because Murshidabad is in the border and the border area populated by Muslims, for strategic reasons it would be necessary for e Government to dispossess the Muslims and to resettle that area with e Hindus Sir, I think we have now satisfied the powers that be that are loyal when our lot has been cast with the Indian Union. Sir, we ive made the Indian Union our home and we have justified all the profes-ons and claims to loyalty, that we have made by actually showing loyalty. r, so whatever strategic reasons there may have been at the time when e Bill was drafted they no longer exist now today. Today, Sir, Govern-ent ought to be satisfied that, the Muslims of the Indian Union have ade the Indian Union their home and there is no need to disturb their ace——

The Hon'ble Dr. BIDHAN CHANDRA ROY: Where does the Muslim me into the Bill?

Janab MD. KHUDA BUKHSH: Sir, there is the fear of the Muslims d so I raise this point. I want an assurance from the Hon'ble Minister charge and the Hon'ble Premier that my fears are baseless.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Absolutely baseless.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Why are you so ispicious? Have you got a guilty mind?

Janab MD. KHUDA BUKHSH: Suspicion begets suspicion. It is ly right when we have been treated with suspicion all these days, a little ispicion may have also grown in our minds that for strategic reasons, for e safety and stability of the province the Muslims of the border areas will ive to be herded out. But, Sir, I am happy to hear from the Hon'ble remier that this is not at the back of their mind——

The Hon'ble Dr. BIDHAN CHANDRA ROY: When we drafted this ill that was not in our mind but now I may take the clue from him. (Laughter.)

Janab MD. KHUDA BUKHSH: In whatever way my appeal is nstrued or misconstrued it does not affect the validity of the question. ere I am to ask for a cafegorical answer from the Government that the uslims in the border areas will not be disturbed under the provisions of is Bill.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Both Hindus and Muslims will be affected.

Janab MD. KHUDA BUKHSH: May be both Hindus and Muslims will be affected but more Muslims than Hindus will be affected. They are all poor and if they are herded out of their hearths and homes they will have to find out alternative accommodation. That was the point I was coming to, namely, what will happen to those people who are dispossessed of their lands.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I told you your fear is baseless.

Janab MD. KHUDA BUKHSH: Sir, a friend tells me that the question of our loyalty has not yet been sufficiently proved. I do not know, Sir, when this will come to an end and how we will be able to prove our loyalty.

Janab SYED BADRUDDUJA: Cæsar's wife is always above suspicion!

Janab MD. KHUDA BUKHSH: However, Sir, there is a provision in this Bill that Government may ultimately find that the lands acquired for some purpose may not be required for Government use and then the lands will be made over to the people from whom they were taken. Now, I suggest that prior claims of the owners will be considered. Of course an amendment to this effect moved by Mr. Ghose has been accepted by Government. In this connection I would also request the Government that they should not make any profit in reselling the lands to the original owner. Government, Sir, are only willing to pay a certain amount of compensation and they have said that the compensation will not be more than what the price was in December, 1946. If in the meantime the land appreciates and can bring even a higher market value, and if the original owner then comes and takes possession, Government will charge so much that Government had paid out from its coffers and no more. That is the assurance I want from Government. With these words, Sir, I resume my seat.

The Hon'ble Sri BIMAL CHANDRA SINHA: May I speak a few words in reply to what has been said by the honourable members opposite. Sir, Mr. Jyoti Basu in his usual vein has taken this opportunity——

Janab A. F. M. ABDUR RAHMAN: If the Hon'ble Minister will take long, the House may now be adjourned for prayer.

Mr. SPEAKER: How long will you take, Mr. Sinha?

The Hon'ble Sri BIMAL CHANDRA SINHA: Five or ten minutes, Sir.

Mr. SPEAKER: In that case I must adjourn the House now. The House stands adjourned for fifteen minutes.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

The Hon'ble Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, as I was telling you, Sir, I regret very much that Mr. Jyoti Basu in his usual way took opportunity on this occasion to put upon us certain intentions which we really do not have. Sir, while he was speaking, I was reminded of an incident that took place a few years ago on the floor of this House. On one occasion when members from different sides of the House were criticising certain actions of Government, up rose Mr. Siddiqi and said that "it is very strange that the honourable members opposite are in the habit of seeing ghosts in every tamarind tree". I may recall that statement made by Mr. Siddiqi on that occasion and I may state that by a strange alliance, perhaps struck at some hotel—may be the Spence's Hotel, the

honourable the Communist member has now taken upon himself the responsibility which Mr. Siddiqi used to discharge in the previous House. Therefore, I need not controvert the arguments that Mr. Basu has tried to make out except to say that it was for the lack of such a legislative provision that nothing could be done, but I am sure that this was one of the clogs in the wheel that retarded progress. If Government wants to remove one of the clogs, well it is certainly with the intention of moving the wheel that they are doing such a thing and now when we are making that effort, Mr. Basu would say that if you cannot move the whole wheel, at least you cannot move it in part. That is an argument, Sir, to which, I think, no reply is necessary.

I would next refer to the arguments made out by Mr. Khuda Bukhsh. I was sorry to find Mr. Khuda Bukhsh scenting suspicion in this thing. I can tell him that we are not in the habit of suspecting because we have all along been brought up and nurtured in the Congress creed that all creeds and communities are equal. Sir, I find, and I find with great regret, that it is very difficult to shed old habits and the habits that Mr. Khuda Bukhsh made during the previous regime of suspecting other people not belonging to his bloc still stick to him. I may assure you that this legislation will not be applied to any community in any communal way.

Now, Sir, I shall speak on the Bill itself. Criticisms have been levelled that this Bill will lead to no benefit. I do not agree. I may tell the House that since the promulgation of the Ordinance in the last week of April, 1948, we have as yet examined thirty-one schemes and, Sir, we have given effect to some of them. While working out the provisions of the Ordinance we find that when the schemes were sent to the Government, the schemes were not given in complete form, many details were lacking and many of the estimates were found to be defective. Now Government have published them with all the details that Government want while companies or prescribed authorities or Collectors are to forward the schemes to Government. That is how the schemes are to be prepared. If the schemes come ready with these details, Government are ready to give effect to those schemes. I am sorry, Sir, further progress could not be made, but I note with regret that without this provision there can be no speedy resettlement of refugees in some of the districts, for example, in Jalpaiguri we had to make resettlement of refugees even before we had time to notify under section 4 of the Ordinance. When urgency demands that there should be speedy resettlement of refugees, and when very speedy acquisition of land is necessary, all efforts are made by Government to dispense fair justice and to see to it that arable and waste lands are acquired by giving effect only to that provision of the Land Acquisition Act. If honourable members opposite had read the contents of the Act more carefully, they would have found that provision has been made under certain clauses. Only certain provisions of the Land Acquisition Act will take effect and they relate not to homestead lands but to arable and waste lands. If there is still a suspicion in the minds of honourable members, I submit that suspicion is unfounded.

With these words, Sir, I commend my motion to the acceptance of the House.

The motion of the Hon'ble Sri Bimal Chandra Sinha that the West Bengal Land Development and Planning Bill, 1948, as settled in the Assembly, be passed was then put and agreed to.

The Bengal Motor Spirit Sales Taxation (West Bengal Amendment) Bill, 1948.

The Hon'ble Sri NALINI RANJAN SARKER: Sir, I beg to introduce the Bengal Motor Spirit Sales Taxation (West Bengal Amendment) Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri NALINI RANJAN SARKER: Sir, I beg further to move that the Bengal Motor Spirit Sales Taxation (West Bengal Amendment) Bill, 1948, be taken into consideration.

The motion was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the reamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri NALINI RANJAN SARKER: I beg to move that the Bill as settled in the Assembly be passed.

Sri JYOTI BASU: Mr. Speaker, Sir, the only point I should like to know from the Hon'ble Minister before this Bill becomes an Act is as to how many countries will immediately be affected—how many Consular representatives—and how much petrol will be involved in this particular thing, that is, as to how much petrol is consumed by either the United States Consular Services or the other services who will get petrol tax-free.

The Hon'ble Sri NALINI RANJAN SARKER: Sir, for the present on reciprocal basis it would be given to the Consular offices of America. We have introduced the Bill at the request of the Government of India. We do not know what other public services or countries will do it on reciprocal basis but we are sure that we shall be able to give them without inconvenience to our countrymen.

Janab MD. KHUDA BUKHSH: I think the honourable member to my left wanted to know the quantity of petrol that will be involved at the present moment. The Hon'ble Minister has said that petrol will be supplied to the Consular offices of the States of America. He has not told us exactly what is the quantity, that is, what is the number of gallons that will be involved.

Mr. SPEAKER: If the Hon'ble Minister does not want to say anything I cannot help.

The motion of the Hon'ble Sri Nalini Ranjan Sarker that the Bengal Motor Spirit Sales Taxation (West Bengal Amendment) Bill, 1948, as settled in the Assembly, be passed, was then put and agreed to.

The Bengal Excise (West Bengal Amendment) Bill, 1948.

The Hon'ble Sri MOHINI MOHAN BARMAN: Sir, I beg to introduce the Bengal Excise (West Bengal Amendment) Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri MOHINI MOHAN BARMAN: Sir, I beg to move that the Bengal Excise (West Bengal Amendment) Bill, 1948, be taken into consideration.

Janab MD. KHUDA BUKHSH: Mr. Speaker, Sir, I shall congratulate this measure. The lacuna that existed in the old Excise Bill which this amendment seeks to remove was directly responsible for the growth of drinking places of dubious reputation and those places, Sir, also encouraged

the growth of other social evils which are attendant on promiscuous drinking. Sir, with the passage of this Bill the clubs and other places which serve drinks to their clientele or their members will now have to approach Government for licences. Sir, I should like to submit this before the Hon'ble Minister through you that when these licences are considered, will he please look into the antecedents and the previous history of those clubs and other drinking places and refuse licences to those places whose—shall I say—moral character is not above reproach. But, Sir, this Bill also takes in its purview Lodges. I do not know what exactly this means. If it does mean a Masonic Lodge, I shall submit that a Masonic Lodge is on a footing entirely different from a club or any other drinking house. A Masonic Lodge is a place where members congregate and they do not pay separately for their drinks. They pay a consolidated subscription to their respective Lodges and the drinks that are served there are included in the consolidated subscription. It is neither a club nor is it any other drinking place. It has its own charters and honourable members who are members of Masonic Lodges would support me in the view that Lodges should not be brought under the purview of this. I want to make this point because, not all Lodges, there are some who take their drinks from bonded warehouses. There are other Lodges who cannot afford to take their drinks from the bonded warehouses, they buy their drinks from the bazar. If this Bill takes these Masonic Lodges also under its purview there will be double taxation in respect of liquor consumed in those Lodges. When he makes his reply I hope the Hon'ble Minister would assure us that by Lodges he does not mean Masonic Lodges.

Mr. R. E. PLATEL: Sir, with the objects of this Bill I suppose there would be no point in having any quarrel in view of the declared policy of Government to further prohibition. I feel, however, a certain regret that it should have been necessary to infringe on the privileges which members of *bona fide* clubs have so far enjoyed. The answer, I feel, would have been some sort of regulation of the so-called mushroom clubs, but that Government should have felt it necessary to infringe on the rights and privileges of the members of well-established clubs—for this, as I said, I feel some regret. However, the Bill has been introduced, Government have their majority and it will be passed. But might I ask for two assurances from the Hon'ble Minister. The first is that sufficient time will be given before this Bill is made effective in order that clubs may be able to get their licences so that the Bill having been passed and sufficient time not having been obtained to get their licences, the position will not arise that the clubs may not be able to serve drinks to their members even on week days. I do not know what the regulations are, but I suppose that after filling forms in quadruplicate or triplicate and completing chalans and paying deposits in various treasuries and after all these sorts of things, the applications will have to go before some sort of Board and the licences have to be approved. So, I am asking that the lapse of time between the date that these provisions come into effect and the passing of the Bill may be sufficient to enable these formalities to be gone through.

The second assurance I am asking for is that all long-established *bona fide* clubs will have no difficulty in securing licences. In fact, that the granting of licences to them will be more or less automatic.

The Hon'ble Sri MOHINI MOHAN BARMAN: Sir, the honourable members might be confused about the object of the Bill. The object of the Bill is simply this. Government are advised that it is a question of supply of liquor. What is the meaning of supply of liquor? According to the legal opinion, the supply of liquor by clubs or similar other institutions to their members is not "sale" within the meaning of section 20 of the Excise Act. Section 20 provides that no intoxicant can be sold without a licence, but supply of liquor is not included in [illegible]

Sir, there are certain institutions which are, therefore, not required to take out excise sale licences under section 20, even when the stock of liquor is kept solely for supply to and the use of members. The hotels and restaurants supplying liquor to their customers must have licence and are subject to all conditions of the licence. This discriminatory treatment as between clubs and restaurants has exerted pressure for the emergence of spurious clubs where consumers flock together in large number for having cheaper liquor without having to take out licence and to pay licence fee. This is the main object. Trade has complained against this discrimination and this has constituted a gap in our system of revenue protection.

Another object of the Bill is to promote the cause of prohibition. Government made rules requiring that all premises licensed for supplying liquor and situated in Calcutta and other industrial areas shall with effect from 29th November, 1947, be kept closed on every Saturday. Clubs not requiring licence do not come under this rule. As sale of liquor was the largest on Saturday, the evil effects of the discriminatory treatment between restaurants and clubs have been very much intensified since the introduction of dry Saturdays. Also the increase in consumption of liquor in clubs has naturally decreased the consumption in licensed shops, hotels and restaurants, and consequently Government have been losing a substantial revenue. Above all the very object of introducing dry Saturdays is being frustrated. It is under these circumstances that Government have introduced this Bill to amend sub-clause (*18*) of section 2 of the Bengal Excise Act so as to bring the supply of liquor by club or similar other institutions to their members within the definition of sale. The object of the Bill is not to interfere with the legitimate activities of the genuine clubs, such as lodges, as the honourable member has said. As regards lodges Government will try to see whether there are any illegitimate activities or not.

Janab MD. KHUDA BUKHSH: I can assure the Hon'ble Minister that there are no illegitimate activities in masonic lodges.

The Hon'ble Sri MOHINI MOHAN BARMAN: I am speaking of mess, clubs or similar other institutions.

Janab MD. KHUDA BUKHSH: Please exclude Masonic Lodges.

The Hon'ble Sri MOHINI MOHAN BARMAN: If there be any illegitimate activities there, Government will try to meet them. The main object of the Bill is three-fold—to remove discrimination of trade, to close a gap in our system of revenue protection, and to make better enforcement of dry Saturdays. These are the objects of the Bill. I may point out that a similar definition of sale has been prevailing in Bombay and Assam for some years.

With these words, I commend my motion for the acceptance of the House.

The motion of the Hon'ble Sri Mohini Mohan Barman that the Bengal Excise (West Bengal Amendment) Bill, 1948, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

New clause 1A.

Mr. R. E. PLATEL: Sir, I should like to move a short-notice amendment that after clause 1, a new clause be added reading as follows:—

"1A. It shall come into force on the 1st April, 1949".

The reason for this amendment is, as I explained when I spoke earlier, that I fear that Government will not give *bona fide* clubs sufficient time to

take out their licences. I have received no assurance from the Hon'ble Minister on this point nor did he answer me on the other assurance that I asked for that *bona fide* and long-established clubs would get licences more or less as a matter of course. The object of this amendment is to ensure that there will be sufficient time for *bona fide* and long-established clubs to take out licences before the provisions of this Bill come into force.

The Hon'ble Sri MOHINI MOHAN BARMAN: Sorry; I cannot accept that.

The amendment of Mr. R. E. Patel that after clause 1, a new clause be added reading as follows:—

"1A. It shall come into force on the 1st April, 1949",

was then put and lost.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri MOHINI MOHAN BARMAN: Sir, I beg to move that the Bengal Excise (West Bengal Amendment) Bill, 1948, as settled in the Assembly, be passed.

Janab ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, this Bill upsets not only the calculations of an unworthy Muslim like me but also all the ideals of the gentlemen who have been invoking the name of Mahatma Gandhi and talking of prohibition for decades upon decades. Sir, the most astounding part of our discussion today was the advocacy for and on behalf of masonic lodges to be left out of its clutches and this advocacy comes from a gentleman who calls himself a Muslim. Sir, as a Muslim I have no right to question the right of those communities to whom alcoholic drink is permitted. If the honourable member from Murshidabad is going to tell me that members of various lodges and other institutions of that nature do not indulge in alcohol a wee little bit more than what is good for their members then I shall stand corrected. I have many friends who belong to these Masonic Lodges and I have been told that sometimes members have to be brought home as they cannot walk home by themselves.

Chartered institutions or unchartered institutions come under this law and, therefore, I think I am justified in saying these things about the lodges as much as I can say about hotels and clubs and other institutions of the same ilk. Mr. Speaker, Sir, we know about these lodges, although we are not members of them. The name given to them by the average Indian is *bhoot bangla* and therefore in a *bhoot bangla* people perhaps meet as *bhoots*. I cannot congratulate the Hon'ble Minister who has gone back on every principle we have been talking for years upon years. His only policy for bringing in this Bill is to "remove an anomaly", otherwise Bengal can go on drinking as much alcohol as it likes and members of the various clubs and institutions, can indulge in drink to any extent they like. Mr. Speaker, Sir, I wanted to become a member of a well-known Calcutta club where black and white men mingle together. I went to a very leading member of society in Calcutta to request him to propose my name. He asked me, "Do you drink?". I said, "No, not a drop of alcohol has ever gone down my throat." He further asked me, "Do you play Bridge for money?". I said, "Thank God, I have not spent a pie on any such game". He said, "Then don't waste your time". If you do not drink then membership of that club is useless. Mr. Speaker, Sir, it is astounding that a Congress Cabinet and a Minister of that Cabinet is playing with this great problem.

That you will allow me to drink on Monday and not let me drink on Saturday is the height of absurdity. Either they should go the whole hog or they should not tinker with this problem. Those who are allowed to drink, let them drink, but you must have heard, Sir, as my fellow members in the House, that a great problem is going to come before the country in the shape of total stoppage of cow-slaughter. That, Sir, does not injure either the human brain or the human system as does alcohol. Even countries in the colder regions of this small planet of ours think in terms of temperance now. We who have been talking of temperance, who have been talking of prohibition, who have been talking of raising the standard of our poor workers and peasants to a higher level, Sir, will not benefit in the least out of this. The other idea, Sir, is that the Minister does not wish to lose the income that the Excise Department might get out of this measure. He wants to remove only a discrimination. If I pay one rupee why should the other fellow not pay one rupee? Sir, I hope he will consult the Hon'ble the Finance Minister and then after consulting him and seeking advice from him he will find ways and means to make up the loss. My appeal to Hon'ble Ministers sitting in the House and those who are not here today will be, for goodness' sake, to put their heads together and, if not for the sake of the intrinsic value of temperance, chiefly out of respect for the memory of our great leader Mohandas Karamchand Gandhi, they will bring into the House, if not in this session then in the next one, a scheme of total prohibition in West Bengal. At that time the Government will find among us, in spite of some being members of the Masonic Lodges today, complete and entire support for any such scheme of prohibition that the Hon'ble Minister will have the courage to bring before us. (Applause.)

Mr. R. E. PLATEL: Mr Speaker, Sir, at the expense of being considered a nuisance I must rise again. I have not yet received the courtesy of a reply to the two requests I made on behalf of clubs—I am speaking of clubs with a *bona fide* membership, clubs in which the assets vest in the members, and not of mushroom clubs which are run for the profit of one or two individuals. I asked for two assurances, Sir, (1) that there will be sufficient time between the passing of this Bill and its provisions coming into effect to enable the clubs to get their licences, in order that there would be no break in these clubs providing the usual amenities for their members on days other than Saturdays; (2) that these *bona fide* and well-established clubs should, as a matter of course, be granted licences after their conforming to the usual formalities. I have learnt, Sir, to appreciate clubs—to appreciate the intimacy of well-run clubs where members can go on an evening and meet friends of their own choosing and spend a pleasant few hours over a drink or so. I was taught that drink as such is not a vice but that drink in excess like everything in excess is a vice and for these reasons, Sir, I ask the Hon'ble Minister, if he cannot give me the assurances, at least to have the courtesy to tell me so.

Sri JYOTI BASU: I shall be told again, as I begin to speak, that I always suspect the motives of the Congress Government in whatever they do. I of course plead guilty to that charge and in this connection, i.e., the Bengal Excise Bill which is before us, I should like to point out, as has been stated by Mr. Siddiqi, that the Congress might talk of high motives of prohibition but then that is not the main purpose for which this Bill has been sought to be passed here.

The main purpose for which this Bill has been sought to be moved here is not prohibition, for if it was a case of prohibition which they were aiming at, then I do not see why there cannot be total prohibition in the Province of West Bengal within the shortest period of time. Sir, that seems to have been told to the country year after year in the election manifesto of the Congress and from the Congress platform everywhere. But here in the last paragraph of the Statement of Objects and Reasons it has been made quite clear why this particular Bill has been brought. Whatever has been

said about prohibition, at the same time it has been said that hotels and restaurants complain that the rules are discriminatory and affect their business adversely. So that is one of the reasons why this Bill has been brought before the House. But, that might have been told in so many words. I do not see why Government should waste time and breath in telling us that it is for the great cause of prohibition, for improving the moral of our people that such a Bill is being brought before the House. It would have been better if they had used a plainer language instead of again trying to mislead the people in this manner. I am sure if this particular Act in the Statute Book is read by the people, they will understand what it actually means and why it has been introduced. It does not serve the cause of prohibition. As such, I hope the Congress Government, true to their words, will at least see to it that within a short time there shall be total prohibition in the Province of West Bengal.

The Hon'ble Sri MOHINI MOHAN BARMAN: Mr. Speaker, Sir, I may assure the honourable members opposite that as regards prohibition we are trying to introduce gradual prohibition and so far as this Bill is concerned, it means nothing but a step towards prohibition.

The motion of the Hon'ble Sri Mohini Mohan Barman that the Bengal Excise (West Bengal Amendment) Bill, 1948, as settled in the Assembly, be passed, was then put and a division taken, with the following result:—

AYES—38.

Bandyopadhaya, Sri Pramatha Nath.
Banerjee, Sri Susil Kumar.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Basu, Sri Jyoti.
Bhandari, Sri Charu Chandra.
Brahmin, Sri Ratanlal.
Chatterjee, Sri Haripada.
Choudhury, Sri Annada Prosad.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Das, Sri Radha Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Ghosh, Sri Bimal Comar.
Gupta, Sri J. C.
Haidar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati
Mallick, Sri Ashutosh.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Murarka, Sri Basantlal.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Poddar, Sri Anandilal.
Pramanik, Sri Rajani Kanta.
Roy, Sri Jajneswar.
Roy, The Hon'ble Sri Kiran Sankar.
Sen, The Hon'ble Sri Prafulla Chandra.
Sinha, The Hon'ble Sri Bimal Chandra.

NOES—1.

Platel, Mr. R. E.

The Ayes being 38 and the Noes 1, the motion was carried.

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

The Hon'ble Sri JADABENDRA NATH PANJA: Sir, I beg to introduce the Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri JADABENDRA NATH PANJA: Sir, I beg to move that the Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948, be taken into consideration.

The motion was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 do stand part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10 do stand part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 do stand part of the Bill was then put and agreed to.

Clause 12.

The question that clause 12 do stand part of the Bill was then put and agreed to.

Clause 13.

The question that clause 13 do stand part of the Bill was then put and agreed to.

Clause 14.

The question that clause 14 do stand part of the Bill was then put and agreed to.

Clause 15.

The question that clause 15 do stand part of the Bill was then put and agreed to.

Clause 16.

The question that clause 16 do stand part of the Bill was then put and agreed to.

Clause 17.

The question that clause 17 do stand part of the Bill was then put and agreed to.

Clause 18.

The question that clause 18 do stand part of the Bill was then put and agreed to.

Clause 19.

The question that clause 19 do stand part of the Bill was then put and agreed to.

Clause 20.

The question that clause 20 do stand part of the Bill was then put and agreed to.

Clause 21.

The question that clause 21 do stand part of the Bill was then put and agreed to.

Clause 22.

The question that clause 22 do stand part of the Bill was then put and agreed to.

Clause 23.

The question that clause 23 do stand part of the Bill was then put and agreed to.

Clause 24.

The question that clause 24 do stand part of the Bill was then put and agreed to.

Clause 25.

The question that clause 25 do stand part of the Bill was then put and agreed to.

Clause 26.

The question that clause 26 do stand part of the Bill was then put and agreed to.

Clause 27.

The question that clause 27 do stand part of the Bill was then put and agreed to.

Clause 28.

The question that clause 28 do stand part of the Bill was then put and agreed to.

Clause 29.

The question that clause 29 do stand part of the Bill was then put and agreed to.

Clause 30.

The question that clause 30 do stand part of the Bill was then put and agreed to.

Clause 31.

The question that clause 31 do stand part of the Bill was then put and agreed to.

Clause 32.

The question that clause 32 do stand part of the Bill was then put and agreed to.

Clause 33.

The question that clause 33 do stand part of the Bill was then put and agreed to.

Clause 34.

The question that clause 34 do stand part of the Bill was then put and agreed to.

Clause 35.

The question that clause 35 do stand part of the Bill was then put and agreed to.

Clause 36.

The question that clause 36 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri JADABENDRA NATH PANJA: Sir, I beg to move that the Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The West Bengal Hindu Social Disabilities Removal Bill, 1948.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I beg to introduce the West Bengal Hindu Social Disabilities Removal Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I beg to move that the West Bengal Hindu Social Disabilities Removal Bill, 1948, be taken into consideration.

It will be remembered, Sir, that by a unanimous decision of all sections of this House soon after this House met for the first time under the new set-up, a resolution was passed congratulating the Constituent Assembly for their decision to abolish untouchability from India, and this House also recorded its decision asking Government to bring early measures with a view to give effect to that resolution. Sir, it is in response to that direction of this House embodied in its resolution that Government now proposes to bring forward this Bill for consideration of this House, and I hope, Sir, that the principles embodied in the Bill will receive universal approval. It is well known that in this unhappy land various drawbacks that we have suffered from for ages have been made a plea to weaken us and to attack us. Sir, it is well known that in subjugated India, the Indian States and the Indian people did not have that measure of freedom to express its will in order to effect measures of reforms which were badly needed. On the contrary, such issues which might have been very well left alone for people to eradicate through propaganda in favour of social reforms were made use of by those who were interested in perpetuating our weakness, our shame and all that was evil as a legacy from the past amongst us. In fact, those

points were even capitalised for political purposes, and the outcome was the notorious communal award which tried to perpetuate a perpetual communal division in order to dismember the body politic of India and of the Hindu society in particular. We noticed in particular that although it had been the custom of the past Government under foreign regime to proclaim neutrality in matters religious but a deliberate drive by them was made guided by political purposes behind that drive in order to perpetuate dissension, division and to create new divisions where old ones were found to show signs of desuetude. I need not go into that woeful history of our past shame and disgrace, but I do say that it was realised by the leaders of Indian society irrespective of caste, creed or community that equality of human rights shall be the basis on which all citizens must stand. But unfortunately in matters of State, in matters economic and political within the body politic of India, instead of acknowledging the human rights on the basis of common citizenship, an effort was made to give statutory recognition or rather to create statutory castes which never in the past either Hindu social practices or the Shastras or customs had recognised as having anything to do with matters economic and political.

(At this stage the House was adjourned for fifteen minutes.)

(After adjournment.)

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, to resume I would say that it is today to our relief unnecessary to go more into the dismal history of the past in respect of what I was going to relate before this House. Sir, I am also glad that there has been not a single notice of amendment to the provisions of this Bill from my honourable friends opposite, although this Bill has been one of the Bills before this House of which the longest notice has been given and which has been published a long time ago. I take this absence of any proposal for amendment from my friends as an indication of their silent approval to the principle and provisions of this Bill. And, Sir, I do hope that this measure, as a very moderate measure in the direction of a much desired reform, will receive their goodwill and support in an abundant measure.

Sir, I must not also omit to mention one factor that this Bill touches upon a subject which is of vital import to the very question of existence of the Hindu society. The Father of the Nation, Mahatma Gandhi, as is well known, had warned his countrymen, had appealed for sympathy from all, and he warned his countrymen in words such as these: "If Hinduism or Hindu society is to survive, untouchability must go". I think those who honour his memory will, as a mark of tribute to that appeal from the Father of the Nation who is no more amongst us, should honour the spirit of his teachings and preachings by showing with a solemn heart that we shall go forward and extend our support to this Bill. Let us hope that in time to come as is stated in the very preamble of the Bill we shall try to obliterate differences between man and man in the Hindu society as also amongst citizens of the Indian Union, irrespective of caste, creed or religion.

I think, Sir, although this Bill purports to deal with a subject confined to certain practices in Hindu society, yet all sections of the people irrespective of their religious beliefs should feel equally interested with human sympathy to see that an evil is uprooted so that a man may feel that he can stand up as equal to his brothers in all matters either in social, civic or religious as in political rights and economic spheres and there shall be hereafter no differences among them. I am aware, Sir, that mere enactment of a piece of legislation will not altogether eradicate from the minds of the people who are habituated, who are orientated in a different manner the evil that we wish to uproot. There will have to be an immense amount of beneficial propaganda, educative and instructive, guided by sympathy, foresight and vision, in order to bring about a change of orientation. We know,

Sir, conservatism dies hard and particularly in such matters. Sir, behind this spirit of conservation in such matters lurks the deepest passions of men, sometimes the darkest passions of men. We know, Sir, movements have taken place in the recent history of the world where prejudices over race or caste may be made to work havoc to the misfortunes of peoples who succumb to such passions. Therefore, Sir, it is a sphere, rather a dangerous sphere, to deal with where utmost circumspection and caution are needed as well as utmost sympathy with the whole endeavour to reform.

With these words, Sir, I shall commend my Bill to the consideration and acceptance of this House and I hope, in considering a Bill of this nature, no question of party affiliations will arise. It is on the basis of human considerations alone that we must decide such issues. Therefore I hope that this Bill may be discussed and viewed from that angle of vision. It is the purpose of this Government to help every community that may be in need of any help or reforms. It is the purpose of this Government to help all communities so far as their social and religious practices of life are concerned, to realise themselves with full freedom and to the fullest extent, and gradually let this land be a land inhabitated by happy communities enjoying freedom not only in social, civic and political matters but also in matters of religious worship and belief free from any evil practices that might have been living in the past or might have been perpetuated by hands that were designed to perpetuate them in a different era. It is in that view, Sir, I believe that a day will come when Hindu society will learn to regard each other as equal members of that fraternity, as in common they must regard themselves as equal members with the rest of their fellow citizens in matters civic and political. It is my fervent hope, Sir, that a time will come when a Hindu will be described as a Hindu and nothing but a Hindu where description on the basis of the community was at all needed. Description about caste then will have been a thing of the past. In fact, Sir, I do hope a demand will arise from members of that society to ban any description of a Hindu other than by the term "Hindu". He shall be regarded as such and respected as such. That, Sir, is a much needed thing for members of the Hindu society.

Sir, I shall conclude by saying that the purpose that impels us ahead is the purpose of the famous *mantram*, the famous teaching that gives us peace from the worries of life. At the risk of appearing pedantic, or even at the risk of reiterating and reciting a commonplace *mantram* I shall say what should inspire us in moving and in accepting this Bill. Let that *mantram* be, as the Rishis of yore had taught:—

ওঁ সহনাববতু সহনৌভুনক্তু সহবীর্যং

করবাবহৈ তেজস্বিনাবধিতমস্তু, মা বিদ্বিষাবহৈ।

May God protect us! May God allow us to enjoy together! Let this be studied by the spirited ones! Let us not be envious of each other!

These words may today, unfortunately, seem foreign to some. But let us hope that we may realise the inner meaning and significance of this *mantram* in our life and society. (Janab Md. KHUDA BUKHSH: Will you please translate this *mantram*?) Sir, I hope my honourable friend, in order to save time, will take the trouble of having it translated from people more competent and who can give a more authoritative translation and try to realise the inner meaning contained therein.

Janab SYED BADRUDDUJA: Sir, I wholeheartedly associate myself with the observations of my honourable friend Sri Niharendu Dutt-Mazumdar. On a question like this, Sir, there can be no controversy because personally I feel that there is a section of Indians who have been, since the beginning of time, deprived of not merely their political and social rights but also their cultural and religious rights, and that all in the name of civilisation and culture itself. Sir, nothing could be more

derogatory, nothing could be more unfortunate, nothing could be more discouraging, nothing could be more inconsistent with our professions and teachings, that in the name of religion, in the name of civilization, in the name of truth, in the name of justice, in the name of humanity, we should treat our own brothers as helots and untouchables. The helots of Greece, the plebian of Rome fought and attained a position, but the poor "untouchables", groaning under the iron heels of oppression for centuries have been denied even the elementary rights of citizenship, all the privileges, all opportunities for self-expression in all spheres of life, had been deprived of their freedom for the cultural, political and social advancement of society. So I extend my wholehearted co-operation to this proposal. To us, Muslims, Sir, nothing could be more welcome. The greatest Prophet of Islam has established a democracy which has no parallel in the history of the entire human race. He combined together the black and the white, yellow and the brown, all classes and conditions in one system with no distinction of caste, creed or colour. 1300 years ago that Prophet of Arabia preached that there should be no distinction between man and man. Democracy of Europe has failed to achieve this object. In spite of Conventions, Protocols and the League of Nations they have failed to raise the status of humanity to that level, to that stature which the Prophet of Islam 1300 years ago set up, practised and preached. The Prophet referring to slaves said, "Though slaves they are my brethren". It is not for nothing that slaves were raised to the position of Emperors long before modern civilization could conceive of any such status for them. That was done by the Prophet not under any pressure of circumstances, not out of any agitation as is kicked up by the Communists or Socialists now-a-days, but simply out of his own initiative, out of an inspiration from above. He wanted to purge the world clean of all oppressions, all prejudices, all superstitions that gathered around it so that the stream of liberty, the stream of justice, the stream of fraternity, the stream of equality, the stream of democracy, the stream of brotherhood, amity, friendship, the stream of inter-communal harmony, inter-racial understanding, harmonious, social, political relations might flow on in their pristine purity undisturbed by any narrow sectarianism or parochial patriotism. The great Buddha also gave that message of hope, that inspiration to the world in those dark ages when prejudices and suspicions were fast threatening extinction of our society. In the recent past also Mahatma Gandhi also coming in the wake of these prophets gave us his message drawing special attention to the great dangers to mankind arising from inequality of treatment between man and man and fought for uplift of the untouchables for their real place under the sun.

Sir, we Muslims feel that in the name of those great teachers of humanity, in the name of the great messengers of truth and democracy, it is time that all those disabilities should be removed not only in the moral sphere, in the civic sphere, in the political sphere, in the social sphere, in the intellectual sphere but in all spheres of life, in all domains of thought. Opportunities must be thrown open to them as human beings. As human beings they must have equal share and must participate in the well-being of the entire nation, they must be treated as an integral part of the entire nation and must be allowed according to their lights and convictions to contribute to the political, social and cultural advancement of the common motherland.

With these few words, Sir, I associate myself wholeheartedly with the observations of the Hon'ble Sri Niharendu Dutt-Mazumdar and support the Bill.

Janab MUDASSIR HOSSAIN: Mr. Speaker, Sir, I am sorry I cannot agree with the principles of the Bill for it is primarily the social disabilities from which the untouchables have been suffering. It is not a work within the sphere of this Legislature. It is the work of great reformers. It requires reformers like the Lord Gautam Buddha, Sri Chaitanya, Guru Nanakji,

Raja Rammohan Roy and Keshab Chandra Sen. Such reformers we want at the present moment. It is not the work of a legislature to compel people to take them into their fold. You must first of all create public opinion in favour of it. To start with, you must ban the obnoxious caste system, you must ban the word "Hindu" from your society. So long as the word "Hindu" is there, it will be regarded as a Varnasram Dharma in which the society is divided into separate castes. The society has been divided into four main castes, the Brahmins, the Khatriyas, the Vaishyas and the Sudras. So unless and until you ban the entire caste system and cease to call yourself a Hindu, it is, I think, no use making a legislation like this. Lord Gautam Buddha was struck by the inhuman treatment which the Sanatani Hindus accorded to most of the people and he preached what? He preached "Ahimsa Parama Dharma" and he preached that there was no caste of human beings and there was no class among human beings. He succeeded to such an extent that the empires of his followers extended from one end of India to the other and even beyond the frontiers of India to Tibet, China and other eastern countries and there were very few persons who did not accept the principles inculcated by Lord Buddha and ultimately the whole country became Buddhists. But ultimately it was your Sankaracharya who destroyed the great work of Lord Buddha and revived Hinduism after driving the Buddhists out of the land. How can you expect to achieve success in the legislature where great men like Gautam Buddha, Chaitanya, Asoka and other empire-builders like him failed in their noble venture? Therefore I beg to oppose social reforms by a legislative measure.

Then there is another thing to which I should like to draw the attention of Government in this connection. There are the Muslims who are also considered as untouchables by the Hindus. If you have a genuine and *bona fide* desire to achieve oneness and unity among all peoples in India, you must not leave India to her fate. It should be the aim and ambition of India's great teachers to weld into one nation and one people the different castes and sects of India imbued with a high sense of nationalism and patriotism, and of mutual co-operation so that there will be no majority or minority community, and the fear of majority rule will vanish in the thin air. Therefore I think if the Congress leaders are real, *bona fide*, and genuine Congress leaders, they will try their utmost to weld the entire population into one homogeneous whole. If you want to undertake legislative measures, then bring legislative measures not by piecemeal but for the removal of social disabilities of the entire people so that there may not be any difference, either political or social, amongst them. That is my submission, Sir. I have noticed that you have been laughing at me all along. I may not be a good speaker; still I can claim a patient hearing in this House. Here you are only giving the untouchables the right of entry into temples. Will that do away with the social disabilities of the untouchables, I ask? So my submission to you, Mr. Speaker, and through you to the members of the House is that you should take into serious consideration everything that has been said by our great leaders, and if you are at all serious over this burning question, you should try to legislate in a comprehensive manner so that there may not be any difference between one community and another, between the different classes of people, the Hindus, the Muslims, the Sonthals and other aboriginals. But in this case you are making a discrimination and making some suggestion for the poor untouchables only to enable them to enter into temples. I may not be very eloquent, Sir, but I have expressed my thought in my own poor manner and I suggest that you will bring in an extensive legislation for the removal of all social disabilities.

Janab Md. KHUDA BUKHSH: Sir, I must confess I was not able to follow the line of argument of my honourable friend who just spoke. In tracing the origin of the caste system he has forgotten that the caste system

originated with the division of Hindus into separate classes or separate castes according to their callings and professions. The Brahmins took to the profession of teaching and looking after the spiritual matters concerning the people; the Kshatriyas were the warriors, the fighting army of the nation; the Vaishyas used to cultivate land; and the Sudras used to look after the other three classes by way of service not included in the other three classes of service. But, Sir, this is the Hinduism that we see now and the Hinduism which has necessitated the bringing in of this Bill degenerated and it got overcrowded with accretions and weeds that were not conducive to the welfare of Hinduism as a whole.

The Hon'ble Minister when speaking said that there are forces that tend to disrupt Hinduism into separate compartments and for the sake of unity of Hinduism these barriers will have to be demolished, there barriers will have to be done away with. Sir, this Bill is aimed at doing away with these accretions and social evils that tended to darken—should I say—Hinduism and therefore, Sir, it is an attempt to restore Hinduism to its pristine beauty and glory and therefore, Sir, it is a laudable attempt and all such laudable attempts should receive the support of everybody.

I do not know, Sir, and I do not think that this Bill by its mere passage will do away with all the evils that certain sections are labouring under. We shall have to mobilise public opinion to that end, we shall have to teach that after all for the sake of humanity we must not have any difference between man and man and any social order that seeks to preserve these differences is to be discouraged. Inasmuch, Sir, as this seeks to establish equity between man and man, brotherhood between man and man, I feel, Sir, that the tenets of Islam have been accepted by the Government and inasmuch as that has been done, Sir, I as a Muslim have certainly occasion to feel happy over it.

Mr. SPEAKER: I find there are many speakers still left and we cannot dispose of this Bill today. I therefore adjourn the House till to-morrow at 3-30 p.m.

Adjournment.

The House was accordingly adjourned at 6-34 p.m. till 3-30 p.m. on Tuesday, the 21st September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assemblec under the provisions of the Government of India Act, 1935, a adapted.

The Assembly met in the Assembly House, Calcutta, on Tuesday, th 21st September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble Sri Iswar Das Jalan) in the Chair, 12 Hon'bl Ministers and 61 members.

STARRED QUESTION

(to which oral answer was given)

Elections in Nadia and West Dinajpur-*cum*-Malda General Constituencies

***19. Sri PRAMATHA NATH BANDOPADHYAYA:** Will the Hon'bl Minister in charge of the Home Department be pleased to state the reason for not holding elections to the West Bengal Legislative Assembly in th Nadia and Malda-*cum*-West Dinajpur districts though six months hav passed since declaration of delimitation of these new constituencies?

MINISTER in charge of the HOME DEPARTMENT (the Hon'bl Dr. Bidhan Chandra Roy): Sri Haripada Chatterjee, one of the member representing the Nadia (Rural) General Constituency in the Legislativ Assembly of undivided Bengal, has already been deemed to have bee elected to the West Bengal Legislative Assembly from the said constituenc under the provisions of Article 4 of the India (Provincial Legislatures Order, 1947, as amended. The election in the West Dinajpur-*cum*-Mald (Rural) General Constituency has already been held.

I want to raise one question. I know that Sri Pramatha Nath Banerje told me that he had withdrawn his question. How is it that the questio again comes up in this form? I do not know.

Mr. SPEAKER: We have not received any information.

The Hon'ble Dr. BIDHAN CHANDRA ROY: But he told me that Anyhow the answers are that in the West Dinajpur-*cum*-Malda Constituenc the election has already been held and Sri Kiran Sankar Roy has bee elected from there and from Nadia Mr. Haripada Chatterjee is here as on of the members.

UNSTARRED QUESTION

(answer to which was laid on the table)

Bani Mandir Girls' School.

3. Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister in charg of the Education Department be pleased to state—

(*a*) whether any recurring monthly grant is made to the—

(*i*) Educational,

(*ii*) Industrial, and

(*iii*) Refugee

Sections of the Bani Mandir Girls' School and Industrial School

(*b*) if so, what is the amount thereof;

(c) if it is a fact that there are over eight hundred students in this institution; and

(d) whether there is any proposal pending with the department to make capital or recurring grants to this institution?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Sri Rai Harendra Nath Chaudhuri): (a)(i) and (b) Yes, Rs. 150 per month from 15th August, 1947.

(a) (ii) Rupees 100 per month from 13th August, 1948 (by the Director of Industries).

(iii) Education Department is not aware of any refugee section in the school. The application of the school authorities for financial assistance in connection with the education and training of refugee students already admitted is under consideration.

(c) The total number of scholars on the rolls this month is 682.

(d) The question of the increase in the recurring grant from the Education Department is at present under consideration. It will depend on extra funds being available. The application for capital grants will be considered in due course.

GOVERNMENT BILLS.

The West Bengal Hindu Social Disabilities Removal Bill, 1948.

Sri NISHAPATI MAJHI: মাননীয় স্পীকার মহাশয়, আজ পশ্চিমবঙ্গের জাতীয় সরকারের বিচার বিভাগের মাননীয় মন্ত্রী শ্রীযুক্ত নীহারেন্দু দত্ত মজুমদার মহাশয় দীন, দরিদ্র, পীড়িত, অস্পৃশ্য জাতির মুক্তির জন্য এই যে বিল উপস্থাপিত করিয়াছেন তজ্জন্য আমি অন্তরের অন্তস্তল হইতে ধন্যবাদ প্রদান করিতেছি। এই বিলটী রচনা করিবার জন্য ডিসেম্বর মাসে এক প্রস্তাব এই পরিষদে সর্ব্বদল কর্ত্তৃক গৃহীত হইয়াছিল। সেদিন এই পরিষদের অধিবেশনে পশ্চিম বাংলা চমকিত হইয়াছিল, কেন না বিভিন্ন দলপতি এক সুরে এক বাক্যে এই বিলকে সমর্থন করিয়াছিলেন। আজ এই বিলের যে দফাগুলি ধারা আমরা দেখিতেছি তাহাতে আনন্দের সহিত এই কথা বলিতে পারি যে, যে ব্যবধান পল্লীসমাজে ছিল এই বিলের দ্বারা তাহার উচ্ছেদ হইবে। পল্লীসমাজ একদিকে গ্রহণ এবং একদিকে বর্জ্জন-নীতি বহুদিন যাবৎ গ্রহণ করিয়া আসিয়াছে। এইজন্য দেখা যায় ধাত্রী মাতা যিনি মাতারূপে গৃহে গৃহে পূজিত হইতেছেন, কিন্তু সে মায়ের দেওয়া দ্রব্য গ্রহণ করিতে অনেকে যেন আপত্তি বোধ করিতেছেন। আজ পশ্চিম বাংলাকে এই বর্জ্জন-নীতি মনে প্রাণে ধ্বংস করিতে হইবে। সকলকে লইয়া ভালবাসার দ্বারা এমন একটী সুস্থ এবং পুষ্ট সমাজ গড়িয়া তুলিতে হইবে যাহাতে আবর্জ্জনা পরিষ্কারের ন্যায় এই অস্পৃশ্যতা-পাপ পশ্চিম বাংলা হইতে দূরীভূত হয়। আজ আনন্দের সহিত আমরা দেখিতেছি যে সমাজে সাম্যই প্রধানতঃ দরকার এবং তা স্বীকৃত হইতেছে। যাঁহারা শিক্ষার কথা বলিতেছেন এবং অন্যান্য উপদেশ দিতেছেন তাঁহারা একবার অনুভব করুন যে এই পশ্চিম বাংলার ৪৭ লক্ষ অস্পৃশ্য জাতি কিভাবে কালাতিপাত করে। সংবাদ পাইয়াছি বর্দ্ধমান জেলার কোন একটী গ্রামে অস্পৃশ্য জাতির এক মহিলা একটী সরকারী কূপ হইতে জল তুলিয়াছিল বলিয়া তাহাকে প্রহার করা হইয়াছে এবং ফলে তাহার মৃত্যু হইয়াছে। এইরূপ দৃষ্টান্ত হোটেলে, জলাশয়ে, বিদ্যালয়ে এবং অন্যান্য বহু ক্ষেত্রে পাওয়া যায়। কাজেই প্রমাণ পাওয়া যাইতেছে যে, এক শ্রেণীর লোক আছে যাহাদের আমরা কুসংস্কার-পন্থী বলিতেছি, তাহারা ছলে বলে, কৌশলে ও অন্যান্য উপায়ে অস্পৃশ্যতাকে যেন সমাজের মধ্যে স্থান দিতেছে। আমরা এই বিলে দেখিতেছি যে মাননীয় মন্ত্রী মহোদয় ব্যবস্থা করিয়াছেন যে এই সমস্ত অসাম্যবাদী ব্যক্তি যাহাদের দ্বারা ঐক্য এবং মিলনের কাজ বাধা পাইবে তাহাদিগকে দণ্ড দেওয়া হইবে। আজ সেইজন্য দেশের জনশক্তি, সংঘশক্তি, যুবশক্তির নিকট বিনীতভাবে অনুরোধ জানাইতেছি, সকলে এই কার্য্যে সহায় হউন। অনেকে বলিয়াছেন জনমতের দ্বারা অস্পৃশ্যতা ধ্বংস হইবে; কিন্তু সে কাল আর নাই। উত্তেজনা, উন্মাদনা দ্বারা জনমত গঠন করিবার দিন নাই। আজ কার্য্যের দ্বারা জনমত গঠন করিতে হইবে। জাতীয়তার ভিত্তি যদি আজ স্থাপন করিতে হয় তবে যেমন মিস্ত্রী একটী একটী ইট গাঁথিয়া তার উপর আর একটী ইট গাঁথিবার আবশ্যকতা বোধ করে তেমনি ভাবে আজ আমাদের এই জাতির দুর্গকে নির্ম্মাণ করিতে হইবে এবং তখন কার্য্যের দ্বারা জনমত গঠন করিতে হইবে। যদি সমাজের অসাম্যকে সর্ব্বাংশে দূরীভূত করিতে পারা না যায় তাহা হইলে কোন ব্যবস্থাতেই সাম্য প্রতিষ্ঠিত হইতে পারে না।

দেখা যাইতেছে যে, এই পশ্চিম বাংলায় হাজারকরা ১৯২১ সালে ৪৭৩ জন অস্পৃশ্য ছিল; ১৯৩১ সালে ছিল ৩৭৮ জন, ১৯৪১ সালে হইয়াছিল ২৭০ জন এবং ১৯৪৮ সালে হইয়াছে ২৬০ জন। যাঁহারা উপমা দেন যে, তোমরা পরিষদের সদস্য হইয়াছ, মন্ত্রী হইয়াছ, ব্যবসায়ী হইয়াছ, অন্যান্য সরকারী ও বেসরকারী কার্য্যের কর্ম্মী হইয়াছ, তোমাদের মধ্যে ত কোন অস্পৃশ্যতা নাই, তোমরা ত স্পৃশ্য সমাজে গণ্য হইয়াছ, তাঁহাদিগকে আজ ভাবিতে বলিব যে ৪৭ লক্ষ লোকের মধ্যে কতজন আজ স্পৃশ্য শ্রেণীভুক্ত হইয়াছে। বহু লক্ষ জন আজও অস্পৃশ্য রহিয়াছে। মহাত্মাজী তাই এই অস্পৃশ্যতা দূর করিবার জন্য মনে প্রাণে আবেদন জানাইয়া গিয়াছেন এবং তাঁহার প্রিয় শিষ্যগণ এই কার্য্যে উদ্যোগী হইয়াছেন। শপথ গ্রহণের ব্যাপারে কি হইত? ব্রাহ্মণকে সত্য দ্বারা শপথ করান হইত, কিন্তু শূদ্রকে তাহার স্ত্রীপুত্রের শির স্পর্শ দ্বারা শপথ করান হইত। এইরূপ বৈষম্য অন্ন উৎপাদনের বেলায়ও দেখা যাইত। যাহারা অন্ন উৎপাদন করিত তাহাদের অন্ন রক্তের ন্যায় দূষিত, গ্রামের বাহিরে তাহাদের স্থান লইতে হইয়াছে এবং মৃতের বস্ত্র তাহাদের পরিধান করিতে হইয়াছে। অন্ন বিষয়েও ব্যাখ্যা ছিল--ব্রাহ্মণের অন্ন অমৃত, ক্ষত্রিয়ের অন্ন দুগ্ধ, বৈশ্যের অন্ন অন্নমাত্র, শূদ্রের অন্ন রুধিরবৎ। নামকরণেও বৈষম্য ছিল। ব্রাহ্মণের নাম শুভশর্ম্মা, আর শূদ্রের নাম হচ্ছে দীনদয়াল। আজ তাই দেখিতেছি পল্লীর একদিকে চলিয়াছিল এইরূপ অস্পৃশ্যতা, ভেদাভেদ, আর একদিকে চলিয়াছিল মিলন। এই মিলনের কার্য্যে আজ আমাদের মাননীয় মন্ত্রী মহাশয় আহ্বান জানাইয়াছেন এবং সেই সঙ্গে প্রমাণ হইতেছে যে পশ্চিম বাংলা যোগ্যতর স্থান পাওয়ায় অশিক্ষিত শিক্ষা পাইবে এবং যারা নিরন্ন, দীনদরিদ্র, নিঃস্ব, তাহাদের কথা জাতীয় সরকার সর্ব্বাগ্রে বিবেচনা করিবেন। গৌরবের কথা যে আজ যিনি ভারতের নব শাসনতন্ত্র রচনা করিতেছেন তিনিও একজন এই তপশীল শ্রেণীভুক্ত। ইহা হইতে প্রমাণ হইতেছে যে ভারত চিরদিন যোগ্যতাকে স্থান দিয়াছে। আজ ঐক্য ও মিলনের কাজে যদি এ দেশের যবশক্তি সহায় হন এবং দেশের জনমতও যদি এ কার্য্যে সহায় হন তাহা হইলে আমার বিশ্বাস অল্প দিনের মধ্যেই এই অস্পৃশ্যতা-পাপ ধ্বংস হইবে।

আমি এই বিলের ১৪টী সংশোধন প্রস্তাব উপস্থাপিত করিয়াছিলাম, কিন্তু মাননীয় মন্ত্রী মহোদয় কয়েকটী প্রস্তাবের দ্বারা সেই সমস্ত সংশোধন প্রস্তাবকে এই বিলের অঙ্গীভূত করিয়া লইয়াছেন, তজ্জন্য তাঁহাকে ধন্যবাদ দিতেছি। আরও আনন্দের সহিত ঘোষণা করিতেছি যে, তিনি বলিয়াছেন যত প্রকার খুঁটিনাটি ভেদাভেদ আছে তাহা নিয়মাবলী রচনার সময় বিশেষভাবে বিবেচনা করা হইবে। বিলটী আজ সত্যই এই অস্পৃশ্য জাতির মুক্তির সোপান স্বরূপ হইয়াছে। আমি অনুরোধ জানাইতেছি যে, এদেশে প্রায় ১৮শত জাতি, উপজাতি, শ্রেণী প্রভৃতি রহিয়াছে; তাহা একদিনে তাসের ঘরের মত ধ্বংস হইবার নয়; ধীরে ধীরে আমাদিগকে এ কার্য্যে অগ্রসর হইতে হইবে। আজ হিন্দুজাতির সামাজিক অযোগ্যতা দূরীকরণার্থ যে বিল উপস্থাপিত করিয়াছেন তাহা একদিন নিশ্চয় আরও ভাল রূপ ধারণ করিবে এবং বহু সংশোধন প্রস্তাবের দ্বারা হয়ত এই বিল বারবার সংশোধিত হইবে। আমি আনন্দের সহিত, গর্ব্বের সহিত পশ্চিম বাংলার জাতীয় সরকারকে ধন্যবাদ প্রদান করিয়া এই বিলকে মনে প্রাণে সমর্থন করিতেছি।

Sri JYOTI BASU: Mr. Speaker, this West Bengal Hindu Social Disabilities Removal Bill, which is being debated is with a limited purpose, *i.e.*, to legally and formally warn those amongst the Hindus who still wish to practise the monstrosities and barbarities which they have been practising for the last so many years, decades and centuries on the untouchables. But however limited the purpose, I feel that such a Bill was necessary and will be of use to us in order to open the hard and long struggle against the caste Hindu diehardism and accumulated prejudices for centuries. To get rid of all these prejudices, the filth that has gathered in Hindu society, I am afraid that everybody would be agreed that a long-drawn-out battle would be necessary, because the Hindus, caste Hindus, the upper sections of the Hindu society will resist any such move—Bill or no Bill, Act or no Act—on the part of any Government. Therefore, I am sure everybody will further agree that both persuasion and compulsion would be necessary to compel the caste Hindus to give up their prejudices. It is obvious that, unless special efforts are made by Government to make up for centuries of sin, to create the material, the social and the economic conditions under which the unfortunate human beings who have been subjected to such indignities that they can catch up with the other privileged sections of society, unless those material conditions are created it would be impossible for the untouchables merely if we talk about removing their social

disabilities, for them to sit in the same places with the other sections of the society. This can be done only by special and conscious efforts on the part of any Government to educate and economically help them. I mean that consciously one has to go to plan out for the scheduled castes to see that in the factories, in the cities and in the villages, their economic uplift is assured, so that really, socially and economically they can catch up with the other sections of society who have gone ahead for the last so many thousands of years. This is the positive aspect of the fight against untouchables. We shall of course wait and see what the Government does following on this Bill which is going to become law within a few minutes. This Bill, we know and we are all agreed, contains progressive sentiments but if together with this a plan is not adopted by the Government so that we are told that within a number of years such and such schemes are going to be undertaken and accomplished whereby the scheduled castes, and the other untouchables are made to grow in a way, develop in a way that they can economically and in other respects march ahead step by step with the other sections of the society, it would be impossible to do anything for them and this Bill, this Act, would merely remain on the statute book.

Therefore, in conclusion, I would say that I do not agree with the honourable member who yesterday said that compulsion was useless. Compulsion in such a thing is necessary but together with that there also must be persuasion. Public opinion must be mobilised in support of the economic and social and political betterment of the other classes who have been subjected to these indignities by the Hindu society, because as I have said, these gentlemen, or these gentlemen who call themselves educated, who socially consider themselves superior to the other sections, whom they call untouchables really they are, we can say, uncivilised people, people who even today are found calling people untouchables and because of that not sitting with them in the same place or not allowing them to enter the temples and so on and so forth. In such a case in society compulsion is surely necessary and of course in a limited way this Bill would fulfil that purpose, but as I have said that without economically doing something for these people and consciously doing something, it would not be possible by merely trying to remove social disabilities to bring them up to the level of the other sections of society who have had the privileges for the last so many centuries in the Hindu society.

Sri BASANTALAL MURARKA : মাননীয় স্পীকার মহোদয়, অস্পৃশ্যতা বর্জন সম্পর্কে যে মহত্বপূর্ণ বিল মাননীয় মন্ত্রী মহাশয় পেশ করিয়াছেন আমি তাহা সর্বান্তঃকরণে সমর্থন করিতেছি এবং ইহার জন্য আমি সরকারকে আমার আন্তরিক ধন্যবাদ জ্ঞাপন করিতেছি। আমাদের দেশে স্বাধীনতা আসিবার সঙ্গে সঙ্গেই সরকার যে সমাজের দোষত্রুটিগুলি আইন দ্বারা দূর করিবার জন্য বদ্ধপরিকর হইয়াছেন তাহা অতীব আনন্দের বিষয়। অস্পৃশ্যতা হিন্দু সমাজের কলঙ্ক এবং রাষ্ট্রের শত্রু। ইহা মানবধর্মের বিরোধী। হিন্দু সমাজ হইতে ইহাকে দূর করিবার জন্য সমাজসংস্কারক রাজা রামমোহন রায়, স্বামী বিবেকানন্দ, মহর্ষি দয়ানন্দ প্রভৃতি মনীষীগণ প্রভূত পরিশ্রম করিয়াছেন। রাষ্ট্রপিতা মহাত্মা গান্ধী ইহারই জন্য একবার মৃত্যুপণ করিয়াছিলেন। কিন্তু তাহা সত্ত্বেও এই কলঙ্ক এখনও হিন্দু সমাজে বর্তমান রহিয়াছে। আইন দ্বারা অবিলম্বে এই দোষত্রুটি দূর করা একান্ত আবশ্যক।

যে মন্দিরে কুকুর, বিড়াল প্রভৃতি ইতর প্রাণীর প্রবেশের বাধা নাই, সেই মন্দিরেই ভগবানের সন্তান শ্রেষ্ঠ জীব মানুষ হইয়াও অস্পৃশ্যগণ প্রবেশের অধিকার পায় না এবং ভগবৎদর্শনে বঞ্চিত হয়। ইহাদের সন্তানসন্ততিগণ বিদ্যালয়ে শিক্ষালাভ করিতে পারে না, জলাশয় হইতে জল লইতে পারে না এবং সমাজের সর্বপ্রকার পূজা, আনন্দ ও উৎসবে পর্যন্ত ইহাদের স্থান নাই, ইহা অপেক্ষা লজ্জা ও দুঃখের বিষয় কি হইতে পারে। ভারতবর্ষের ভিতর উচ্চনীচ ভেদ যেরূপ বিদ্যমান সেরূপ পৃথিবীর অন্যত্র কোথাও দেখা যায় না। শ্রেষ্ঠ সভ্যতা ও সংস্কৃতির উত্তরাধিকারী হইয়াও, এই প্রকার ভেদাভেদের নিমিত্ত বিশ্বের নিকট আমাদের মস্তক অবনত হইয়া আছে। এই কলঙ্ক আমাদের দূর করিতেই হইবে। স্বাধীনতা অর্জনের পর যে নূতন যুগ আসিয়াছে, তাহাতে জাতিবর্ণনির্বিশেষে সকল মানবের সমান অধিকার। জন্ম হইতেই কেহ উচ্চ বা নীচ হইতে পারে না। উচ্চ বা নীচ নিজের কর্মের দ্বারাই হইয়া থাকে। অস্পৃশ্য ভাইগণ যাঁহারা সমাজের সেবা করিতেছেন, তাহারা ব্রাহ্মণ,

ক্ষত্রিয় প্রভৃতি জাতি অপেক্ষা কোনও অংশে নীচ নহেন, বরং তাঁহাদের অপেক্ষা শ্রেষ্ঠ। সন্তানের মলমূত্র পরিষ্কার করেন বলিয়াই মা যেমন অস্পৃশ্য হইতে পারে না, সেইরূপ যাহারা মাতার ন্যায় সমাজের ময়লা, আবর্জনা পরিষ্কার করিয়া থাকে, তাহারাও অস্পৃশ্য হইতে পারে না। আমাদের ভজনে আছে—

"জাত পাঁত পুছে নেহী কই
হরিকো ভজে, ওহী হরিকা হোই।"

অর্থাৎ জাতিধর্মনির্বিশেষে যে হরির সেবা করে, হরি তাহারই হয়। মানুষমাত্রেই হরির ভজনা করিতে পারে এবং সকলেই ঈশ্বরের জীব। এইজন্য সরকারের নিকট আমার একান্ত অনুরোধ যে অস্পৃশ্যতার ন্যায় আমাদের হিন্দু সমাজে আরও যে সকল দোষ ও কুপ্রথা বর্তমান আছে তাহা আইন দ্বারা অপসারিত করিতে যত্নবান হউন।

Mr. D. COMES: Mr. Speaker, I am glad for this opportunity to express my hearty and most emphatic support to the provisions of this Bill which the Hon'ble the Judicial Minister has invited us to consider. I am not prepared to hazard an opinion as to whether the Government has brought this Bill as a measure of expediency or as a measure of social and political justice. But I am bound to preach and propagate that the idea of untouchability is politically and philosophically contemptible and morally indefensible. As a follower of Lord Jesus Christ I am bound to express that human being is composed of the body and the soul, and the soul is made in the image of God. The soul participates in the divinity of God and the body is not metaphorically but really a temple of God which no man can brand as untouchable without being guilty of committing the grossest injustice to human dignity and without committing an act of blasphemy. It would have been better not to force social reforms by legislation, but considering the practical utility I think legislation is necessary. We must consider facts and face facts that the Hindu soicety is very conservative and criminally at times lethargic. The burning of the Sati and infanticide had continued for generations and it needed legislation by foreigners for the purpose of preventing these evils.

Sri ANANDILAL PODDAR: Do you know what *Sati* is? Have you studied that question?

Mr. D. COMES: Yes, I have.

Mr. SPEAKER: Order please.

Mr. D. COMES: But if castigation is not enough for removal of social evils of the Hindu society, it is clear that legislation is absolutely necessary to supplement the social efforts made by Mahatma Gandhi and other prominent leaders. I must say, however, that mere legislation will not be sufficient to uplift the condition of the depressed and untouchables. Legislation must be supplemented by executive action so that the depressed people will have no reason for dissatisfaction. It pains me to see that leaders of depressed classes sometimes feel very much disappointed at the behaviour they receive from the Caste Hindus. I do not know whether they are always justified, but there are sometimes very good reasons why they feel dissatisfied. While congratulating the Hon'ble Minister for initiating this legislation I must request him always to remember that mere legislation will not be enough: legislation must be supplemented by executive action and the Government should not forget the cause of the untouchable and the depressed people.

The motion of the Hon'ble Sri Niharendu Dutt-Mazumdar that the West Bengal Hindu Social Disabilities Removal Bill, 1948, be taken into consideration, was then put and agreed to.

Clause 1.

Sri D. N. MUKHERJI: Sir, I beg to move that in sub-clause (*1*) of clause 1, in line 2, for the word "Bill" the word "Act" be substituted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I accept the amendment.

The motion was then put and agreed to.

The question that clause 1, as amended, do stand part of the Bill, was then put and agreed to.

Clause 2.

Sri D. N. MUKHERJI: Sir, I beg to move that in paragraph (*a*) of clause 2, in line 1 after the word "Jain" the words "Santal, Adibasi" be inserted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I accept the amendment.

The motion was then put and agreed to.

Mr. SPEAKER: With regard to the amendments of Sri Nishapati Majhi, I want to point out that they have been sent to the office in Bengali whereas the Bill is in English. Therefore, the office had to translate the Bengali wordings which are to be inserted in the Bill into English. That is an irregular procedure. Therefore, unless and until the original Bills are in the Bengali language, the amendments which are proposed to be inserted in the Bill cannot be in the Bengali language. If the wording of the Bill is in English, the amendments must be in English.

The question that clause 2, as amended, do stand part of the Bill was then put and agreed to.

Clause 3.

Sri D. N. MUKHERJI: Sir, I beg to move that the word "or" be added to clause 3(*b*) (*viii*) at the end.

I also beg to move that the following sub-clause be added after clause 3(*b*), namely:—

"(*c*) be denied any service whatsoever whether in connection with civic, social or religious practices or rites, by a Hindu who habitually renders such service in the course of his profession."

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I accept these amendments.

The motions were then put and agreed to.

The question that clause 3, as amended, do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 5 in line 3, after the word "usage" the words and brackets "(other than a custom or usage having the force of law)" be inserted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I accept the amendment.

The motion was then put and agreed to.

The question that clause 5, as amended, do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

Sri D. N. MUKHERJI: Sir, I beg to move that in sub-clause (*2*) of clause 8, in line 2, for the word "of" the word "to" be substituted.

I also move that in clause 8(*1*)(*a*), lines 8 and 9, for the words "or abets the prevention thereof", the following expression be substituted, namely:—

"or denies to any Hindu any service referred to in clause (*c*) of that section or abets such prevention or such denial."

The motions were then put and agreed to.

The question that clause 8, as amended, do stand part of the Bill was then put agreed to.

Clause 9.

Sri D. N. MUKHERJI: Sir, I beg to move that for clause 9 the following clause be substituted, namely:—

"Offences under the Act to be investigated by a police officer without the order of a Magistrate.

"9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, a police officer may investigate an offence punishable under this Act without the order of a Magistrate."

The motion was then put and agreed to.

The question that clause 9, as amended, do stand part of the Bill was then put and agreed to.

Clause 10.

The question that caluse 10 do stand part of the Bill, was then put and agreed to.

Preamble.

Sri D. N. MUKHERJI: Sir, I beg to move that, in the preamble, in line 2 after the words "to that end" the word "to" be inserted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I accept it.

The motion was then put and agreed to.

The question that the Preamble, as amended, do stand part of the Bill, was then put and agreed to.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I beg to move that the West Bengal Hindu Social Disabilities Removal Bill, 1948, as settled in the Assembly, be passed.

I hardly think that it is necessary to say much in moving this motion. I wish to express my sincere feeling of gratitude to honourable members from all sides of the House who have extended their unstinted support to this measure. I do hope, Sir, it is realised that to implement this Bill and to make it effective we will need co-operation of the press and the public so as to make the purpose of the Bill real in its ideal, in life and in actual fact. I am aware, Sir, that there are minds which fail to adjust themselves to the new provisions which are being laid down here. I must also incidentally mention for the information of the members of this House that I received various representations from various quarters which I have unfortunately not been able to make available for the information of members, for I was under the impression that perhaps time would not

permit us to take this Bill in this Session, but, however, fortunately we have been able to reach up to this item in the present Session. I, nevertheless, had hoped that later on, at least for information of all interested, I shall make various opinions received also available to members for their reference and use hereafter.

Lastly, Sir, I shall only say that I agree with the suggestions offered by honourable members opposite that although under this Bill social disabilities are sought to be removed, they will not confer real, material benefits to those who were deprived of those rights unless economically, educationally, and culturally they can be raised to a particular level. That, I think, is a problem not for any particular caste or community but that is a problem of the eradication of poverty from this land. However much we may eradicate social disabilities, the disabilities of poverty as against the privileges of wealth continue to exist and here is, Sir, a Herculean task which Government will have to perform. I have no doubt that under the guidance of the National Government fitting and appropriate measures will be adopted under which the crime of poverty will be made a thing of the past. We know that progress and poverty have gone in other countries in the modern world increasing in inverse ratio to one another. I hope, Sir, taking our lessons from the experience of all other countries, in India we shall be able to eradicate the problems of poverty, but that is something in which we shall have to strive hard, but in striving hard let no section of the people feel humiliated under any disabilities in their social lives. It is to that end, it is with a view to put a sense of self-respect, put heart into them, put a feeling that they can walk about with their heads erect enjoying equal rights in all spheres that this Bill has been brought in as an interim and preliminary measure. I hope, Sir, that in making all these purposes real we shall receive not destructive criticism from anyone but the sympathetic and constructive support from all sections of the House, so that in unison we may make real progress and build a really strong and better Bengal as we are out to build a new nation.

With these words I commend my motion to the acceptance of the House.

Sri PRAMATHA NATH BANDYOPADHYAYA : স্পীকার মহোদয়, আমি এই বিলটি সম্পূর্ণভাবে সমর্থন করি। কিন্তু এই বিল সমর্থন করতে গিয়ে একথা আমাদের ভুললে চলবে না যে শুধু বিল পাশ হয়ে গেলেই আমাদের দেশে social disabilities যা সব আছে তা একেবারে দূর হয়ে যাবে। বিদ্যাসাগর মহাশয় বহুদিন পূর্বে বিধবা-বিবাহ বিল পাশ করিয়ে যাতে বিধবা-বিবাহ প্রচলিত হয় তার ব্যবস্থা করে গিয়েছিলেন। কিন্তু সামাজিক মনোভাব পরিবর্তিত না হওয়ার দরুণ আমরা দেখছি যে বিধবা-বিবাহ যেরকমভাবে প্রচলিত হওয়া উচিত ছিল তা হয়নি। এই সামাজিক মনোভাবকে যদি প্রচারের দ্বারা এবং আমাদের কার্যের দ্বারা দূর করতে না পারি তা'হলে আইনের দ্বারা একে দূর করা যাবে না, এটা আমাদের বন্ধুদের মনে রাখা উচিত। আমি এই কাজ কিছু কিছু করি বলেই এর যা difficulties তা আমি জানি এবং সেই-জন্যই আমি বলছি যে শুধু এই বিল পাশ করে কিছু হবে না। কারণ scheduled caste যাকে আমরা বলছি সেটা একটা caste নয়, তার ভিতর বহু caste আছে।

Sri NISHAPATI MAJHI : বর্ণহিন্দুদের ভিতরও এই প্রকার পঞ্চাশ রকমের জাতি আছে এবং এই অস্পৃশ্যতা অন্য জাতির ভিতর যা আছে তার চেয়ে কম নয়।

Sri PRAMATHA NATH BANDYOPADHYAYA : Scheduled caste সম্বন্ধে বলতে চাই যে scheduled casteদের মধ্যে অস্পৃশ্যতা দূর করতে গিয়ে যে সমস্ত অসুবিধায় পড়তে হয় বা ভোগ করতে হয় সেই অসুবিধা দূর করবার জন্য scheduled caste এর মধ্যে যাঁরা লেখাপড়া শিখেছেন যদি তাঁহাদের সহায়তা পেতাম তা'হলে সেই সমস্ত অসুবিধা অনেকটা দূর হতে পারত। আমাদের সামাজিক এই সমস্ত কু-প্রথা দূর করতে গিয়ে দেখছি যে scheduled caste বলে যাঁদের আমরা দেখছি তাঁরা আমাদের এই সমস্ত কার্যে সাহায্য করেন না। বরং সমাজে যাঁদের উচ্চশ্রেণী বলা হয় তাঁদেরই এই সমস্ত কাজে বেশী পরিমাণ লোক আছেন। Scheduled caste এর জন্য যে আজ আইন হচ্ছে তা সুখের কথা। কিন্তু আইনটা কার্য্যকরী হবে না যদি যাঁরা নিজেদের scheduled caste বলেন, তাঁরা উচ্চশ্রেণী হিন্দুদের সঙ্গে মিশে একজাতে পরিণত করতে না পারেন। হিন্দু

জাতি যদি একটা জাতিরূপে মিলিত হতে না পারে তাহা হইলে বরাবরই scheduled caste আলাদা জাতিরূপে থেকে যাবে এবং হিন্দু জাতির ভিতর scheduled caste এর পার্থক্য আরও বেশী হয়ে যাবে। তবে scheduled tribe বলে একটা জাত হচ্ছে যাদের আদিবাসী বলা হয় তারা হিন্দু সমাজ থেকে ভবিষ্যতে পৃথক হয়ে যাবে এবং হিন্দু সমাজের বিরুদ্ধে যাবে। Scheduled casteকে যদি বাঁচিয়ে রাখা যায় তাহা হইলে এই scheduled casteদের সুবিধার জন্য কয়েকজন একে আলাদা করে রাখবেন এবং হিন্দু সমাজ থেকে এঁরাও আলাদা হয়ে যাবেন। আমার সেই ভয় হচ্ছে বলে আমি পুনরায় বলছি যে আইন হয়েছে সেটা ভাল হচ্ছে; তবে, scheduled caste কথাটা তুলে দিয়ে যারা "Backward in Education" এইভাবে রাখা হোক। এইভাবে রাখা হলে scheduled caste এর যে প্রকৃত অর্থ তাহা যথার্থ প্রকাশ পাইবে। কারণ scheduled বলে যা বোঝায় তা তুলে দিতে চাই এবং আমরা একই জাত বলে scheduled casteকে আলাদা রাখতে চাই না; তবে যে আইন হচ্ছে সেটা ভালই হচ্ছে।

Sri BANKU BEHARI MANDAL : Mr. Speaker, Sir, এই বিলটী আনার জন্য আমাদের মিনিষ্টারকে আমার আন্তরিক ধন্যবাদ জানাচ্ছি। অবশ্য আমাদের অন্যান্য বক্তারাও যে কথা বলেছেন, বিল এনে আইন করলেই যে সমস্ত সমস্যার সমাধান হবে তা আমি মনে করি না। তবে যাঁরা বলেন যে আইনের দ্বারা সমাধান হবে না তাঁদিগকে আমি বলি যে এসেমব্লীর বাইরে যেখানে এই সমস্ত অসুবিধা হচ্ছে সেগুলি যদি তাঁরা সমর্থন না করেন তা'হলে আমাদের বর্ণহিন্দু ভাইরা যাঁরা পরিষদের বাইরে আছেন তাঁদিগকে আমি বারবার করে অনুরোধ করছি যে যাতে এই অস্পৃশ্যতা দূর হয় তাঁরা যেন তার চেষ্টা করেন। অস্পৃশ্যতা কি রকম রয়েছে। একজন scheduledকে একজন ব্রাহ্মণ ছোঁবেন না; একটা ছাগলকে, বিড়ালকে ছোঁবেন, তবু একজন অস্পৃশ্য জাতকে ছোঁবেন না, ছুঁলে স্নান করতে হয়। এই যে ব্যবস্থা এই ব্যবস্থা তাঁরা করেছেন। তাঁরা যদি এটা না তোলেন তা'হলে কে তুলবে? কাজেই আইন করবার দরকার আছে। আমি আজ scheduled আছি; ধোপা, নাপিত আমার কাজ করবে না আর যদি আমি অন্য ধর্ম্মান্তর গ্রহণ করি কাল ধোপা, নাপিত আমার কাজ করবে এইত ব্যাপার হয়েছে। কাজেই আইন করবার দরকার হয়েছে। তুমি নাপিত আমার চুল কাটবে না কেন? আমি মুসলমান হ'লে, খৃষ্টান হ'লে, আমার চুল কাটবে। এইজন্য আইনের দরকার হয়েছে। হোটেলে ও অন্যান্য সমস্ত জায়গায় এই যেসব অসুবিধা দেখা যায় এ সমস্ত দূর করার জন্য আইনের দরকার। এই যে সমস্ত অভিযোগ-অত্যাচার তা দূর করতে হবে। তবে কিছু কিছু মনের মিল না হ'লে আইনের দ্বারায় সব কাজ হয় না, কিন্তু আইন না হ'লেও আবার হয় না। এইজন্য মাননীয় মন্ত্রী মহাশয় এই যে আইন এনেছেন এটা যাতে সকলের সহযোগিতা দ্বারা কার্যকরী হয় তার জন্য সকলে চেষ্টা করুন; বর্ণহিন্দুদের এজন্য বারবার অনুরোধ করছি। আমাদের লেখাপড়া শেখান। আমরা কেন অস্পৃশ্য হয়ে থাকব? আমি জানি "scheduled" মানে নীচ জাতি। আমরা কেন নীচ জাতি হয়ে থাকব? কাজেই আমাদের উচ্চ পদে ধরার জন্য আপনারা বিধিব্যবস্থা করুন। তা'হলে ত আইনের কোন দরকারই হয় না। এই আমার বক্তব্য।

The motion of the Hon'ble Sri Niharendu Dutt-Mazumdar that the West Bengal Social Disabilities Removal Bill, 1948, as settled in the Assembly, be passed was then put and agreed to.

The West Bengal Raw Jute Futures Bill, 1948.

The Hon'ble Sri NALINI RANJAN SARKER: Sir, I beg to introduce the West Bengal Raw Jute Futures Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri NALINI RANJAN SARKER: I beg to move that the West Bengal Raw Jute Futures Bill, 1948, be taken into consideration.

Janab SYED BADRUDDUJA: Mr. Speaker, Sir, I am afraid the West Bengal Raw Jute Futures Bill, 1948, contemplating, as it does, to ban, to eliminate the raw jute futures market, fails to take note of the realities of the situation and defeats the very purpose for which it is meant. I do not know the reason which has prompted the Hon'ble Minister to introduce this Bill at this stage, especially after the partition of Bengal, when three-fourths of the jute is in the Pakistan Dominion. In the Statement of Objects and Reasons the Hon'ble the Finance Minister has observed that after the partition there is no necessity for continuing this raw jute futures market in the Indian Union for the purpose of "hedging". He goes on further and states that "there has been a good deal of speculative dealings in the raw jute futures markets and this is considered to be one of the reasons

leading to the sharp upward trend of raw jute prices". Government, therefore, consider it desirable that this should be banned because they think that raw jute future market is definitely harmful for the trade and the industry as a whole. Sir, I am afraid the proposition of the Government of Bengal, specially the Finance Minister's contention is not borne out by facts because, in spite of the partition of Bengal, the facts that I will quote just now will conclusively prove that the situation is quite the other way about. Even after the Calcutta futures market has been closed there has been an upward trend from £105 per ton recorded on 26th August, 1948, to 109, thus recording an increase of £4, and that in spite of the Ordinance that has been promulgated. Secondly, Sir, the figure for futures which is 288 and for ready 200 has also, as has been reported by the "Statesman" on the 17th of August, gone up to 207, thus recording an increase from 7 to 19. This conclusively proves, Sir, that, in spite of this Ordinance, in spite of the intention of the Government to scale down, to force down the prices, the prices have shown an upward tendency and trend. The contention of the Government is not therefore borne out by facts. I will quote certain figures to show that the futures markets have exercised a steady and stabilising influence and kept down prices rather than forcing them up.

15th July, 1947	..	Ready 145	..	Futures 136
16th April, 1947	..	Ready 180	..	Futures 162
15th April, 1948	..	Ready 178	..	Futures 166
15th May, 1948	..	Ready 194	..	Futures 188
15th June, 1948	..	Ready 183	..	Futures 177
15th July, 1948	..	Ready 193	..	Futures 186
15th August, 1948	..	Ready 195	..	Futures 188

Therefore the contention of the Hon'ble the Finance Minister that this Bill which is intended to lower down the prices, to force down the prices, is not proved by facts. In spite of the Ordinance, the prices, Sir, have shown a tendency to go up. Then again the Finance Minister says there is no necessity for hedging. But, Sir, if there is no futures market in between the consumers and the growers, the rich man, the middle man, the baler, the shipper and the mills will exploit the entire situation to their advantage. I have secret information - I do not know whether it is correct, but dame rumour has it—that a particular class of businessmen had some previous information, some sort of acquaintance with certain quarters and had some knowledge before the promulgation of the Ordinance with the result that just at a particular moment, before the closing rate was determined, they exploited the entire situation to their own advantage with the result that it had a disastrous effect upon the entire situation, upon the less fortunate people in the trade. So hedging is necessary between the growers and the consumers, the two classes of people who are interested in this trade. Sir, the growers are to be assured of a just and fair price, the growers are to be ensured against exploitation of the market by interested parties, the growers are to be assured of a square and fair deal in the transactions, the growers are to be assured in the interest of their not being exploited by interested parties, the growers are to be assured of all that. But if the futures market intervene——

Mr. SPEAKER: As it is time for prayer now, I shall adjourn the House and you can speak after the prayer adjournment.

(The House was then adjourned for fifteen minutes).

(After adjournment.)

Janab SYED BADRUDDUJA: Mr. Speaker, as I was submitting, I wanted to know from the Hon'ble Minister what will be exactly the position of the growers and the consumers under this Bill, and in whose interest the Bill has been conceived. I want a straight and categorical

answer from the Hon'ble the Finance Minister. If it is in the interest of the growers, it should be the look-out of the Government to see that the growers always get a square and fair deal, that the prices are not forced up by any measure that is brought before this House. But if it is in the interest of a particular industry or trade Government should come forward with a categorical reply as to whether the growers are sought to be crushed, are sought to be paralysed in the interest of a particular brand of industry that exists in this land. I am not an expert in this line myself, I stand subject to correction; I can however assure this House that if any of the remarks that I make go against the vital interests of the growers, I shall be the first man to withdraw those remarks. Whatever the contention of the Government, the fact remains that the futures markets have hitherto exercised a stabilising and steady influence. But for the raw jute futures markets, people with the greatest influence in high quarters would pull the wires from behind and manipulate the situation to their advantage and the growers and the intermediary interests would not get a square deal. As a matter of fact the futures markets have always provided for the delivery of raw jute in Calcutta several months before the jute grown in the districts is brought here. That is known as forward sale and by it also at the same time the growers are assured of a fair deal. There must be some such machinery, some such method, some such organisation which can ensure this square deal and reconcile the conflicting interests, harmonise the divergent interests of the growers and the consumers. I do not understand what this Bill aims at: I do not understand whether it aims at improving the lot of a class of businessmen or at giving a particular industry or a section of businessmen an advantage over others, or it aims at improving the lot of the growers. Suppose the futures markets do not exist; take it for granted that under this Bill the futures markets cease to exist, what would be the position? Inevitably at the time of the delivery the buyer will refuse to pay or take delivery of the goods. The buyer will refuse to pay and take delivery of the goods and the seller also will similarly refuse to give delivery of the goods and will refuse to take the current market rate which is much below the contract rate. That is the position to which we would be reduced and that will create a very uncertain and unsteady condition so far as the market is concerned. If it has been conceived in the interest of a particular industry or trade or a class of businessmen, Government should come forward with a definite and categorical statement to that effect so that the growers may be on definite ground, on *terra firma* and may understand the real position they occupy in the business economy. But they are somehow or other non-plumed because they are quite in the dark regarding the real position. The real position is rather nebulous and not quite clear. It has not yet crystallized. Then again the shippers, the balers and the mill men too are to be ensured against fluctuations of price. Who is going to guarantee that there would be no fluctuations of price? Who is going to guarantee that the prices will be well-regulated? There is no organisation, there is no machinery for that, and, but for these futures markets there might be other evil features in the trade. True there are gamblers who may create a temporary upheaval in the entire machinery; but their bullishness is not always maintainable, for the futures markets always tend to keep the prices towards a lower level. It is by the futures markets alone that the market is made bearish by heavy sales. Then again, Sir, the Finance Minister observes in the Statement of Objects and Reasons that because of the speculative dealings in the market, they have been compelled to introduce this Bill. In other words, he means to say that the number of transactions is much in excess of the actual deliveries made. True, gamblers are bad people in all spheres of life, but that is no reason why the good features in a particular organisation should not be taken notice of. Then again by my amendment I want to show that the closing rate is rather dangerous. It is not the same as the market rate. The rate prevailing at a particular moment should be taken

into consideration just before the promulgation of an order for prohibition or withdrawal of an order of prohibition and the closing rate may benefit a class of businessmen with a previous knowledge of an order of prohibition or of withdrawal thereof but that is likely to affect very badly many interests that are involved in these transactions. I will not pry into the secrets of the administration. I am not fishing in troubled waters, but I will try to point out somehow, somewhere there is something fishy, something suspicious, something sinister about the whole thing. As I have already said, Sir, dame rumour had it that long before the notification about the Ordinance on the 24th August, which came into force on the 26th August, some businessmen who had knowledge of it about a month ago, manipulated the situation to their advantage. I do not know how far I am correct. As I have said, I do not possess sufficient knowledge of the inner workings of the administration. I wish the rumours were discredited, I wish they were not true, I wish they were unfounded, but somehow or other the suspicion remains, somehow or other the suspicion persists. Why do not the Government of Bengal come forward with an explanation of the real position? In the past also, as the Hon'ble Finance Minister knows, during the days of Sir John Herbert and onwards, during the days of Sir John Anderson—during his own regime when Mr. Fazlul Huq was the Chief Minister of the province—we had many rumours like this. Not that we have always credited them, not that we have always believed them to be true, but in the interest of the efficiency of the administration, in the interests of the prestige and honour of the administration, in the interest of the future relationship that subsists between the growers and the consumers, in the interest of the proper adjustment of the relationship that should subsist between the two countries, in the interest of the smooth working of the business world, in the interest of proper adjustment of supply and demand, in the interest of the future economics of the land, in the interest of the future growth of a particular industry and in the interest of the growers and industries themselves, it is necessary that the Hon'ble Finance Minister, whose business acumen, whose knowledge of these affairs is very sound, very correct and very thorough, should come forward with a categorical reply as to whether by this Bill the Government of Bengal want to benefit a particular interest or tries to adjust the different interests that exist in the land.

Sir, I do not like to detain the House any longer. I would only like to submit, Sir, that the futures markets regulate trade and an organisation that regulates trade, an organisation that stabilises trade, an organisation that adjusts the relationship between the consumers and the growers should not be done away with without proper thought and without serious consideration. Nor do I feel inclined to support the view that there was any necessity for this hasty piece of Ordinance. What was the necessity? Was the situation very grave, was the situation very serious, was the situation fraught with very great disaster that it called for this Ordinance? Was there a Communist menace that was threatening the existence of the State? Was there a dangerous revolution in the country for which the Government of Bengal were called upon to introduce this Ordinance overnight? I want an answer on that point also. I want an answer on this question also as to whether there was any necessity for fixing the closing rate rather than the spot rate. The spot rate, that is the market rate, that obtains in the market should have satisfied all classes of persons and there would have been no room for suspicion, no room for misunderstanding and no room for doubt. Let me take a concrete example. Here is Narayanganj, there is London and in between there is Calcutta. The price at Narayanganj is Rs. 40 or 41, at London it is Rs. 42 and the Calcutta balers try to force the price down to Rs. 30. That will have a corresponding effect on the price at Narayanganj which will come down to Rs. 30. Meanwhile the mills at London will try to force down the price, bringing it down

to Rs. 35. So, the mills in Calcutta, 65 per cent. of which are run by Europeans, make a profit of Rs. 5 between London and Calcutta. But if there is no intermediary market like that, there will be direct transaction between Narayanganj and London. Pakistan has already made a transaction, exporting about 4 lakhs 50 thousand to twenty foreign countries in the world. Pakistan will establish exchanges, Pakistan will establish futures markets, Pakistan will give enough facilities for hedging. Pakistan will give all these facilities. It would be up to the Government to see whether it would be to its interest to introduce this Bill. It will ultimately go against the interest of the Government itself. I am not one of those who believe that simply by introducing a Bill just at this stage, you can hoodwink the public. Let the public be satisfied, let the House be satisfied, let the honourable members of the House be satisfied that the Bill is conceived in the best interest of the people, in the best interest of the jute-growers and I will have nothing to say—no complaint, no grievance against this Government. But we find that the contention of the Government is not borne out by facts. The contention of the Government is to force down the prices, but the prices are rather going up. If it was in the interest of the jute-growers, it would have forced up the prices and if it was in the interest of the consumers, it would have forced down the prices. But I am at a fix to determine in what particular trade's interest, what particular class's interest, the Bill has been conceived and brought before this House. So, I want a categorical reply from the Hon'ble Finance Minister as to whether it is not possible for the Government to fix a minimum price at this stage as the Government of India have already done in fixing the minimum price of cotton. Cotton also comes from West Punjab. Why have not the Government done it for the last 10 or 11 years? I have seen to my discomfiture, to my chagrin, that no Government—neither the Muslim League Government nor the Congress Government—have fixed the minimum price so far. In spite of definite demands that have been made so far and formulated from time to time by all sides, the Government have not fixed the minimum price. As a matter of fact, I was one of the sponsors of a motion in this very House when the Muslim League was occupying the Treasury Benches. We wanted to fix the minimum price but the then Government would not, they would much rather fix the maximum price. So, I want to know categorically and definitely whether they would not, like the Government of India fix the minimum price of jute. They could not also lay down definite principles, definite provisions, for reconciling the interests of the consumers and jute-growers in such a way that it might be satisfactory to all the interests concerned.

With these few words I want to oppose the motion.

Sri BASANTLAL MURARKA. Manoniyo Speaker Mahodai! Yah Bill jo isthapit kiya giya hai, iske samband men marin sirkar ka dhiyan kuch baten ki oar akrisht-kurua chahta hun. Maien iska birodh naheen kurta, sirkar jo adhikar chahti hai wah to leley, paranti is adhikar ko periog kurney men bohut baten bichar kurney ki zarurat hai. Juli aur jute sey bani huie chizon ke beopar ke liey future market ki abashakta baraber anubhab ki gaie hai jab beopari millon ko supply kurney ka saoda kurta hai to taiyari mal kharid leta hai aur doosrey market men bech deta hai, takey tezi mandi ka asar uske ooper naheen ho. Agar future market naheen rahta hai to taiyari mal ka kam kurne wala bari risk men rahta hai, aur yah mal naheen, kharid sakta hai. Isliey sansar ke subhi barey barey deson men hedging kurney ke liey furture market rahta hai. Amrica men to iska sabsey bara market hai, jis ka bhuktan pertidin hua kerta hai. Hamarey manoniyo arthsachib mahodai ne bhi future market ka samarthan kiya tha. Angrezon ke raj men future market ke bund kerne ki chishta ki gaie thi, paruntu bharat sirkar ne iski abashakta samujh ker ismen hustak shep naheen kieya. Jis des men phatka hota hai wah burbad hojata hai, phatka samaj men T. B. ki bimari hai. Phatka ko zaroor mitana hi hoga

aur future market men honewaley phatkey ko control kerna chahiey aur iskey liey maien sirkar ka purshangsha kirta hoon. Leken phatkey ke nam per jute ka bazar bund ker dieya kintu jute ke baney huwey chizon ka bazar khula rakha, iskey pahley na to market ke adhikarion sey baten ki aur na sarvsadharan beopareon ki sambmati li. Sirkar ke ek hukum sey hazaron devaliya hojatey hain. Sirkar ko samujh boojh ker ek nishchit niti ke adhar per kam kerna chahiey. Sirkar ne abhi tak yah nichchai naheen bataya ke iski achaie kiya hai. Sirkar jedi chahta hai ke future market bund kerdiya jaey aur doosrey phatkey chaltey rahen to yah sirkar ki niti ki dosh hai. Sirkar agar chahti hai ke future market bund ker diya jai to sirkar ki yah niti sey des ke beopar ke liey ghatak hai.

Janab MD. KHUDA BUKHSH:

جناب اسپیکر صاحب، کیا جناب منسٹر صاحب اس راشٹر بھاشا کو جس میں یہ تقریر کر رہے ہیں، سمجھتے ہیں؟ میرا غرض ہے کہ یہ کیسے جواب دیتے وقت جواب دینگے *

Sri BASANTLAL MURARKA: Bombay Sirkar ne ruie ke future market ko bund naheen kiya. Sirkar ne phatka rokney ke liey iska control kerdiya. Isliey hamarey Bengal Sirkar ko chahiey ke jute ke future market ko bund naheen kerkey phatka bazi ko control kerde. Yah theek hai ke adhikangsh Jute Pakistan sey ata hai aur jute ka bhao Pakistan ke ooper hi nirbhar kerta hai isliey iska asar hamarey ooper bhi perta hai. Pakistan sey millwalar ko bhi barabar jute kharidna parta hai aur iska asar Hesseen per bhi perta hai. Pakistan jo dam chahey isper badh hoker humkolena perta hai. Isliey zaroorat hai ke jute ke bhaon ka control kerdiya jai aur phutkey ka bhi control ker diya jai aur des ke jute ka upach barhaya jai.

Janab MD. KHUDA BUKHSH:

سمجھنے والا کوئی نہیں ہے مگر آپ کا بولا بہت اچھا ہے *

The Hon'ble Sri NALINI RANJAN SARKER: Mr. Speaker, Sir, I notice some confusion in the argument made by Janab Badrudduja. Before the recess he stressed that in spite of the fatka market being closed, the price is rising; after the recess he asked me in whose interest I have done it. If the price is rising, it will be to the interest of the growers. But I have not done it only in the interest of the growers. I say that our policy is "let economic forces work and these gambling elements lowering and raising the prices should be eliminated". I did not expect that opposition should be made to closing the fatka market the premises of which can best be described—at least some of them—as gambing dens. The Police thrice or four times a year search those premises. Our policy is to eliminate these gambling dens from the market and then to establish a real futures market by separate law for which Dr. Todd engaged by the previous Government made a report, and we are examining that report.

There are also other difficulties. The major portion of the raw material belongs to Pakistan. We shall have to arrange our policy in a very cautious way, because if we jump only for the growers, they may get Rs. 40 or Rs. 50 per maund. We cannot do so, because though indirectly the Pakistan cultivators will gain, our mills which are responsible for employment of 40 lakhs of people will suffer. It is not easy to formulate the policy just now for the futures market. Members have raised suspicion in our mind that because of the closure of the fatka market the trade, growers and everybody will suffer. I do not think anybody will suffer. We are only taking from the market some gambling elements out of the picture. Gambling forces are bound to work, because of the dearth of jute and because of the uncertainty of delivery of jute from East Bengal. West Bengal jute growers will not suffer, and I am sorry I cannot accept Janab Badrudduja's suggestion, because he has not understood the position about futures.

The motion of the Hon'ble Sri Nalini Ranjan Sarkar that the West Bengal Raw Jute Futures Bill, 1948, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

Janab SYED BADRUDDUJA: Sir, I beg to move that in clause 3(2)(*a*), line 6, for the words "last closing rate" the words "spot rate" be substituted.

I also move that in clause 3(2), Explanation (*a*), lines 1 to 4, for the words beginning with "last closing rate" and ending with "date of publication" the following words be substituted, namely:—

> " 'spot rate' means the market rate of the first working day for the ready jute of the quality concerned and notified by the Board of a Notified Market immediately after the publication".

Sir, in the course of my remarks about the Bill I have already indicated my apprehension about this closing rate and therefore I want to substitute it by "spot rate". I do not think there would be any reasonable objection either from the Government or from any reasonable quarter to spot rate being substituted for closing rate. Closing rate, Sir, as businessmen will bear me out, is fixed so quickly before the promulgation of an Ordinance or before the promulgation of an order that there is just a chance, there is just a suspicion, there is just an apprehension of the market being manipulated by interested parties. Interested parties might somehow or other manoeuvre in such a way that they might take advantage of it at the cost of others. As I hinted before there was some sort of a rumour in the market that some businessmen had knowledge—knowledge from which source I do not know; whatever might be the source they had knowledge and that knowledge helped a particular class of businessmen in manipulating the market to their advantage. The spot rate which I have proposed eliminates that danger, eliminates that possibility once for all. Spot rate is the rate that obtains in the market. Therefore there is no room for suspicion, there is no room for any danger. With this end in view, Sir, I wanted to substitute "spot rate" for "last closing rate". I do not think the Hon'ble the Finance Minister or the Government of Bengal for the matter of that would have any objection to accepting this simple innocent amendment which has no sinister implication.

The Hon'ble Sri NALINI RANJAN SARKER: I am sorry I cannot accept the amendment. Mr. Badrudduja may be briefed to argue that it is an innocent amendment but in fact, Sir, it is not an innocent amendment; it means higher rate for the spot in cash and delivery and here with regard to the futures market rate it is the Director who settles the rate at the closing of the market. Futures markets must be governed by the futures market rate. I am not prepared to accept this amendment.

The amendment of Janab Syed Badrudduja that in clause (3)(2)(*a*), line 6, for the words "last closing rate" the words "spot rate" be substituted was then put and lost.

The amendment of Janab Syed Badrudduja that in clause (3)(2), Explanation (*a*), lines 1 to 4, for the words beginning with "last closing rate" and ending with "date of publication" the following words be substituted, namely:—

> " 'Spot rate' means the market rate of the first working day for the ready jute of the quality concerned and notified by the Board of notified market immediately after the publication."

was then put and lost.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that the preamble do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri NALINI RANJAN SARKER: I beg to move that the West Bengal Raw Jute Futures Bill, 1948, as settled in the Assembly be passed.

The motion was then put and agreed to.

The West Bengal District School Board (Amendment) Bill, 1948.

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: Sir, I beg to introduce the West Bengal District School Board (Amendment) Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: Sir, I further beg to move that the West Bengal District School Board (Amendment) Bill, 1948, be taken into consideration.

Sir, just after the partition the remaining part of the district of Nadia was named as Nabadwip by an executive order, dated the 17th August, 1947. Thereafter the West Bengal District School Board (Amendment) Act was passed in respect of the four severed districts. That was towards the end of the year 1947. Then again in February, 1948, Nabadwip was renamed as Nadia and therefore consequential amendments have to be introduced in the West Bengal District School Board (Amendment) Act. The Bill simply proposes that wherever "Nabadwip" is mentioned in the Act, "Nabadwip" shall be substituted by "Nadia".

The motion of the Honble Sri Rai Harendra Nath Chaudhuri that the West Bengal District School Board (Amendment) Bill, 1948, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: Sir, I beg to move that the West Bengal District School Board (Amendment) Bill, 1948, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The West Bengal Black Marketing Bill, 1947, as passed by the West Bengal Legislative Assembly—consideration of the recommendations contained in Governor's message.

The Hon'ble Sri PRAFULLA CHANDRA SEN: Sir, I beg to move that the recommendation of His Excellency the Governor contained in his message under section 76 read with section 75 of the Government of India Act, 1935, be considered in detail.

Sri JYOTI BASU: Mr. Speaker, Sir, when this Bill was being piloted in this House Dr. Ghosh was then the Chief Minister of West Bengal and I remember at that time there were demonstrations day after day outside the Assembly and at that time inside the Assembly we were told by Dr. Ghosh that that demonstration was being organised by blackmarketers and profiteers, because they did not wish the passage of this Bill in the Assembly, although to us and to the people of Bengal it was common knowledge that ordinary students wanted to demonstrate their anger and opposition to the Security Bill or the Black Bill as it was called and that was why they were organising demonstrations outside the House. However that may be, thereafter for some mysterious reasons after the passage of this Bill into an Act in this House it was spirited away to Delhi and it lay in cold storage for many months thereafter. In this matter it seemed that the Government was not in a hurry, for according to this Congress Government the blackmarketers and profiteers did not endanger the safety and stability of the province. For, according to them it is only the people, some troublemakers, Communists and so on, who are endangering the safety and stability of the province. We remember that when the Police Commissioner of this Government was questioned by representatives of the Press as to why when there was so much open blackmarketing in cloth they were not being apprehended any why people in high places were not being imprisoned, the Police Commissioner told them that there was unfortunately no law by which these blackmarketers and profiteers could be apprehended and therefore he was helpless in the matter. And when somebody tried to ask him as to why these people should not be imprisoned under the West Bengal Security Act, the Police Commissioner said that the Security Act was not meant for blackmarketers and profiteers because it seemed it was not they who were, as I said, endangering the peace of the province, because according to him and the Government which he served it seemed that cloth and food thieves are not the people who are spreading lawlessness and chaos in this

province but on the other hand it is the people who, because of lack of food and cloth, are organising demonstrations or sending deputations to the Writers' Buildings, it is these people who are endangering the State; and that is why these people must be crushed, they must be stopped, be it by promulgation of section 144 or by detaining them under the West Bengal Security Act without trial, because it seemed that the precious state of the blackmarketers and profiteers must be preserved from hungry and ill-clothed people.

Of course now, Sir, at long last the Black Marketing Bill has come up before us from Delhi. The Government experts—the legal experts for whose opinion it was sent to Delhi have taken a pretty long time to consider the matter contained herein in this particular Bill, because, as I said, even in Delhi the Central Government was in no hurry to crush the black marketers and profiteers. But when it is a question of crushing the civil liberty of the people, the people look aghast and see that there is a difference in how the Government acts in such a case when they see a spectre haunting them all round. That is why when this Bill is being debated the members on the Government benches and the Government also will perhaps tell me that as usual I suspect the bonafides of the Government. I do that because this is the administration which spirited away this Bill for so many months, and the Central administration in Delhi took no pains to see that this Bill was immediately brought into force so that under it the blackmarketers and profiteers were brought to book. It is now the same administration which is going to enact this West Bengal Black Marketing Bill and to put it on the Statute Book. Naturally I suspect the bonafides of the Government. I know what the answer of the Government is going to be. But the people will accept no answer from them. When the people are going without cloth and when they have seen that during the last four or five months profits of one hundred crores of rupees have been made by the black marketers and profiteers who are in the cloth business, the people will accept no answer from such an administration and such a Government. That is why I doubt whether, even after it is put on the Statute Book this administration, the Police Commissioner and the whole administrative officials who are there and who still continue in office will see to it that black marketers and profiteers are punished, for after all these profiteers—these big businessmen are friends of this Ministry, this Government. Naturally we shall see that not many of these rich multi-milionaires will be hauled up on charges of black marketing and put into prison; on the contrary we shall find that the very people who stand up against this suffering which they are made to undergo by these people, will be told that they are endangering the safety and stability of the province and therefore stringent laws should be put on the Statute Book, and West Bengal and India are to be ruled by lawless laws.

Sri CHARU CHANDRA BHANDARI: মাননীয় স্পীকার মহোদয়, আমি মন্ত্রী মহাশয়ের এই প্রস্তাব সমর্থন করতে উঠেছি। এই যে প্রস্তাব করা হয়েছে, এটা ওইভাবে আনা ছাড়া গত্যন্তর নাই, জ্যোতি বাবু যে এই বিল সম্পর্কে আমাদের প্রাদেশিক গভর্ণমেণ্টের bonafides সম্বন্ধে অবিশ্বাস করেছেন, তাঁর এ অবিশ্বাস করবার কোন কারণ নাই। কারণ black markateer চোরাকারবারীদের বিরুদ্ধে গভর্ণমেণ্ট বরাবর অভিযান করে এসেছেন এবং এ চোরাকারবার একেবারে বন্ধ করবার জন্যই এই বিল আনা হয়েছিল এবং পাশ করা হয়েছিল।

মাননীয় সদস্য মহাশয় বোধ হয় জানেন যে Govt. of India Actএর ১০৭ ধারার বিধানমতে যখনই ভারতীয় আইন পরিষদের প্রণীত কোন আইনের সহিত প্রাদেশিক পরিষদের গৃহীত কোন Billএর অসঙ্গতি থাকে তখন সেই বিলকে গভর্ণরের ৭৫ ধারা অনুসারে reserve করতে হয় এবং সেটা ক্ষেত্রে গভর্ণর জেনারেলের বিবেচনার জন্য পাঠাতে হয়। অতএব সদস্য মহাশয় যে বলেছেন যে দিল্লীতে এটা Spirited away হয়ে গিয়েছিল সেটা সত্য নয়, এটাকে আইন অনুসারেই দিল্লীতে পাঠান হয়েছিল। বিল পাশ হওয়া মাত্রই Bill দিল্লীতে গভর্ণর জেনারেলের সম্মতি লাভের জন্য পাঠান হয়েছিল তবে দেরী কেন

হলো--সে উত্তর প্রাদেশিক গভর্ণমেণ্টের কাছে নয়, দিল্লী থেকে পেতে পারেন। এখন যে অবস্থায় প্রস্তাবটা আনা হয়েছে তা বিবেচনা করলে এটা কিছু খারাপ হয়নি। কারণ এই বিল ফেলে রাখলে ক্ষতিই হতো। যে কয়েকটী Provision Bill থেকে বাদ দিতে বলা হয়েছে, সেটা বাদ না দিয়ে বিলটা ফেলে রাখলে যুক্তিযুক্ত হতো না। এর বিরুদ্ধে যে কার কি বলার আছে জানি না। (The Hon'ble Sri Kiran Sankar Roy:) কারো কিছু বলার নেই--কেবল একজনেরই যে একটা বক্তৃতা তৈরী করা আছে সেইটের সব জায়গায়ই প্রয়োগ হয়) বোধ হয় সেই রকমই একটা কিছু হবে।

এখন, আমাদের মূল বিল থেকে কোন্ কোন্ বিষয় বাদ দিচ্ছেন সেইটে জানা উচিত। মূল যে বিল যা নাকি এই পরিষদে গত ১০ই ডিসেম্বর তারিখে সর্বসম্মতিক্রমে পাশ হয়েছিল, তাতে ছিল যে black marketing এর অপরাধে প্রাদেশিক গভর্ণমেণ্ট ইচ্ছা করলে কতকগুলি Case বা যতগুলি ইচ্ছা Case special tribunalএ বা Summary trialএ বিচার করাতে পারেন—summary trialএর এই যে বিধান করা হয়েছিল, এটা করা হয়েছিল এইজন্য যে অনেক স্থলেই দেখা গেছে blackmarketingএর অপরাধে যারা ধরা পড়েছে তাদের মামলা দু' তিন বছর পর্য্যন্ত চলেছে, ফলে যারা blackmarketingএর অপরাধে আসামী হয় তারা Case চলা কালে আবার সেই উদ্দেশ্যেই ঘোরাফেরা করার সুযোগ পায়, এবং এও দেখা গেছে যে তাদের মধ্যে বহু আসামী মামলার খরচ পর্য্যন্ত blackmarketing করেই চালায়। এইজন্য এটা বিশেষ বিবেচনার পর স্থির হয়েছিল যে এই রকম ক্ষেত্রে Summary trial না করালে তাদের ভালভাবে জব্দ করা যায় না। Governorএর Messageএ সেই বিধানটাকে বাদ দিয়ে ফেলা হয়েছে।

আর একটা গুরুতর বিষয় মূল বিল থেকে বাদ দেওয়া হয়েছে। সেটাতে এই বিধান ছিল যে সমস্ত Family firm আছে, আপনারা অনেকে জানেন যে কলিকাতার মধ্যে অনেক জায়গায়--বড়বাজার প্রভৃতি অঞ্চলে বহু firm আছে যেগুলি family firm। Blackmarketingএর বিরুদ্ধে যখন গত বৎসর অভিযান চালান হয়েছিল তখন দেখা গেছে যে বহুক্ষেত্রে শুধু নয় অধিকাংশ ক্ষেত্রেই ধরবার পরে firmএর প্রকৃত মালিক যে কে তার সন্ধান পাওয়া যায় না; তাদের firm ধরলেও অপরাধী না পাওয়ায় সমস্ত কেসটা বানচাল হয়ে যায়। তাই বিলে বিধান করা হয়েছিল যে সমস্ত family firm অথবা joint family firmএ যদি প্রকৃত মালিকের খোঁজ না পাওয়া যায় তাহলে every adult member of the family সেই পরিবারের পূর্ণবয়স্ক যাঁরা আছেন অন্যরূপে প্রমাণিত না হোলে তাঁরা প্রত্যেকে অপরাধী বলে বিবেচিত হবেন। এই আইনে সেটা বাদ দেওয়া হয়েছে। এতে অসুবিধা হবে জানি। কলিকাতা ও অন্যত্র যেখানে এই রকম family firm আছে, সেখানে অধিকাংশ জায়গায় তার প্রকৃত মালিককে পাওয়া যায় না। সেখানে Blackmarketing করলে আইনতঃ তাকে সাজা দেওয়া যায় না। এই অসুবিধা সত্ত্বেও সেটা এই messageএ বাদ দেওয়া হয়েছে, তবুও এটাকে বাদ দিয়ে এই আইন কার্য্যকরী না করলে উপায় নাই। Bill এর অন্য অংশ অর্থাৎ অন্য যে সব বিধান আছে তাই নিয়ে আইন করা হোক। আমি আশা করি, এই আইন পাশ হলে সরকার তৎপর হয়ে Blackmarketingএর বিরুদ্ধে অভিযান করবার সমস্ত ব্যবস্থা করবেন। এই সম্পর্কে আমার আর একটা কথা বলার আছে—মন্ত্রী মহাশয়ের সঙ্গে কিছুক্ষণ পূর্বে সেই কথা হচ্ছিল, কেবল Blackmarketingই নয় খাদ্য ভেজাল সম্বন্ধেও সমুচিত ব্যবস্থা করা দরকার। যখন কালোবাজারের বিরুদ্ধে অভিযান চলছিল তখন Soapstone ও তেঁতুলের বীচি নিয়ে অনেক গোলমাল হয়েছে। দেখা গেছে ময়দার কলে Soapstone রয়েছে—ময়দা সেই কলে তৈরী হচ্ছে, অথচ পরীক্ষা করে কিছু পাওয়া গেল না। আমরা বুঝতে পেরেছিলাম যে সেই Soapstone ময়দাতে মেশাবার জন্যই সেখানে রাখা হয়েছিল। কিন্তু আমাদের যা আইন আছে তাতে কুলায় না অর্থাৎ defective বলে তাদের সাজা দেওয়া যায় না। এজন্য আবশ্যক বিবেচনা করে একটা আইনের খসড়া প্রস্তুত করা হয়েছিল। সেটা হচ্ছে Food Adulteration Amendment Bill। যে জিনিষ ভেজাল দেওয়া যায় এমন কোন জিনিষ ময়দার কলে বা খাদ্য তৈরীর কলে যদি মজুত থাকে, তাহলে এটা প্রমাণিত বলে ধরে নিতে হবে যে তার দ্বারা সেটা মেশায়। যেখানে সেই ময়দা বা অন্য খাদ্য তৈরী হয়, আর সেখানে যদি Soapstone বা তেঁতুলের বীচি থাকে, তবে তার Sample পরীক্ষা করে কোন ভেজাল দ্রব্য পাওয়া যাক আর না যাক সেটা অপরাধ বলে গণ্য হবে। এমনভাবে আইনের বিধান করে Food Adulteration Actএর Amendment প্রস্তুত করা হয়েছিল। আমি সরকারকে অনুরোধ করবো তাঁরা এই Blackmarketing বিলের সঙ্গে সঙ্গে Food Adulteration Amendment Bill যেটা তৈরী করা হয়েছিল, সেটা অবিলম্বে পরিষদে Introduce করে পাশ করে নেন্। তাঁরা যদি তা না নেন তাহলে বহু কেস্ যে সমস্ত কেস্ Pending ছিল বা আছে

সেই সমস্ত কেসের কিছুই করা যাবে না। অথচ বাইরে থেকে নানারকম সমালোচনা সহ্য করতে হয়। তদানীন্তন মন্ত্রী-সভায় আমরা যাঁরা ছিলাম তাঁদের মধ্যে লোকে সংশেহ করে ও বলে—ঘুষ খেয়ে কেস্ ছেড়ে দেওয়া হয়েছে। আপনারা সকলে অবগত আছেন যে আইনের defect থাকার জন্যই সাজা সব ক্ষেত্রে দেওয়া সম্ভব হয়নি। কাজেই এইরকম অত্যাবশ্যকীয় সংশোধন করে আইন না করলে এই সমস্ত কেসে কিছুই হবে না এবং এখনও যারা ময়দায় Soapstone মেশায়—আমার নিশ্চিত ধারণা এরকম মেশায়, যা অন্যান্য যারা adulteration করে তাদের সাজা দেবার উপায় নাই। পরীক্ষায় কোন এক বিশেষ sampleএ ভেজাল দ্রব্য না পেলে আর সাজা দেওয়া যায় না। সুতরাং অতি সত্বর বর্ত্তমান আইনের সংশোধন হওয়া দরকার। ময়দার কলে বা অন্যত্র যেখানে খাবার প্রস্তুত হয় সেখানে ভেজাল দ্রব্য থাকলেই এটা যথেষ্ট হবে যে সে খাদ্যে ভেজাল মেশায়। এই বলেই আমি শেষ করছি।

Janab SYED BADRUDDUJA: The prayer recess, Sir, as was pointed out by the Moadzem yesterday, should come a little earlier—20 minutes before 6.

(The House was then adjourned for fifteen minutes.)

(*After adjournment.*)

Janab SYED BADRUDDUJA: Mr. Speaker, I would be failing in my duty if I were not to associate myself with the observations that have fallen from the lips of my honourable friend to the left. Sir, I am one of those who do not believe that for any measure of whatever import or significance it might be, I should come forward to criticise the Government for its sins of omission and commission in the past. I personally agree to some of the observations of my honourable friend Mr. Jyoti Basu. True, if there have been curtailment of any civil liberties, if there have been communal frenzies under the garb of which a section of the police might have oppressed a section of the people, that is no reason why we should hesitate in extending our wholehearted co-operation to a measure fraught with the deepest significance for the whole of Bengal at the present moment.

Sir, when my esteemed friend Mr. Abdur Rahman Siddiqi was yesterday discussing something about drinking and masonic lodge, I was tempted to participate in the debate myself. I do feel Sir that some sort of soft drink, some sort of fashionable dissipations here and there, even midnight orgies in which an individual might indulge, might in the language of Shakespeare, take away, his brains, might affect his morals, might affect his character, might affect the future of an individual we are however concerned at the present moment with a problem with which the future existence of the entire millions is bound up so inextricably. A man who steals one's purse steals only trash, but a man who steals morsels from the mouth of hungry millions, who rob men of their clothes, of their raiment, is doing an act which is the most reprehensible, the most obnoxious and is condemned by all canons of reasoning. All decent societies in civilised quarters of the globe, all religious persuasions, all social organisations, have always combined against this anti-social crime. We must extend our co-operation, we must extend our sympathy, we must extend our fellow-feeling to all classes of people under all conditions, more specially, to the poor, unfortunate millions who knock about the streets for a morsel of food. Government of Bengal have come forward with a gesture. I also respond to that gesture. The heart of a man, as our Governor-General, Sri Rajagopalachari once so finely observed, is so delicate, so soft, so tender! It is like a flower. If the flower is crushed, it emits no smell; it disappears in the thin air. If you crush the heart of a man, it also does not respond. So it is a question of extending your sympathy, extending your love, extending your affection and consideration to your fellow-beings who are in distress. This Government is suffering from a legacy of the past. This Government has its own limitations, has its own shortcomings; it is suffering from the legacy of the past. In this very

House we very often discussed in the past the problem of mal-administration, the problem of mal-distribution of stuffs throughout the Province, the problem of hoarding and black-marketing. My grievance is that even now.——

(At this stage the blue light was lit.)

Sir, only two or three minutes more. I will not detain the House longer.

As I was saying my only grievance is that men in high positions have not escaped this contagion. While discussing this problem on the floor of the House the then Opposition led by Sir Nazimuddin contended that the Government of Fazlul Huq did not inspire any confidence in the neighbouring Provinces and so the neighbouring Province refused to supply foodstuffs even in those conditions which threatened to assume the character of a famine. That is because that Government, the Opposition contended, consisted of a set of inefficient, impotent, worthless people who did not inspire any confidence in the public mind. I repeated that eulogy myself when they came to power because even then the adjoining Provinces were refusing supplies to the Government of Sir Nazimuddin. Now perhaps the same traditions continue, perhaps the same legacy persists, perhaps the same atmosphere prevails here. There is no cure of that disease. We have talked of freedom from hunger, we have talked of freedom from illiteracy, we have talked of freedom from disease. We are now discussing freedom from hunger. Millions of people go about the districts in rural areas. They are actually hungry, they are starving. They will not make any protest or agitation on the floor of the House. In silent protest they will die as you have seen many to do so in the streets of Calcutta in the year 1943. Thanks to the administration that is prevailing in this country, thanks to the conspiracy behind the scene, thanks to the political manoeuvring and wirepullings, thanks to the disastrous and malign influences exerted by black-marketers and hoarders, a situation was created which has no parallel in recent times. Therefore, Sir, I am concerned at the present moment with this that it is not the innocent alone who should be trapped but also the real men of influence and position. The law should be respector of no persons.

Sir, I am reminded of that beautiful story of a Presidency Magistrate. I have heard him—he was a particular friend of mine—once making a confession about how he gave out judgments from time to time about certain cases which came up before him. It was a confession before his spiritual Guru: "Huzoor, Your Holiness! the only misfortune is big guns escape, and the smaller fries are caught in the trap." People in high positions if they have got access to the high quarters to people holding responsible positions in life, who can exercise a great influence on the administration, such people naturally escape. So the laws should be as stringent, as severe as possible, because no crime can be more heinous, no crime can be more reprehensible, no crime can be more dangerous, no crime can be more anti-social, no crime can be more disastrous in its consequence and devastating in its effect than this. Therefore, Sir, while wholeheartedly extending my co-operation and support to this Bill, I would appeal to the Government benches, the Treasury benches, the Ministry to see to it that these provisions are correctly applied and that in their application they are not misused. It is of course for the Magistracy and the Judiciary to see that they are properly applied by the Government of the day. If the Government is sufficiently efficient, if it inspires confidence, if it consists of people with a due sense of fair play and justice, I have no reason to doubt that it will have its effect upon the Judiciary and the Magistracy as well.

Sir, I will not take more than one minute. I have only to point out some instances that I have come across, in the course of the last few months, namely, that innocent people——

Mr. SPEAKER: Order, order. You have said nothing on the motion before us. It is a speech on black-marketing. Will you confine yourself to the motion before the House.

Janab SYED BADRUDDUJA: All right, Sir. I was referring to blackmarketing. I was discussing the general principles. At the present moment I am not discussing the provisions, because when the amendments are taken up I will have an opportunity of discussing the provisions in detail.

Mr. SPEAKER: But you must be relevant to the subject-matter under discussion.

Janab SYED BADRUDDUJA: I bow down to your ruling, Sir. I will not go beyond the scope of the Bill. I will confine my remarks to the Bill and finish by saying that the Bill is conceived in the best interests of the people. The Bill is intended to protect the rights of the poor unfortunate millions who have been oppressed by blackmarketers and so the Bill should be supported by all sections of the House without any mental reservation.

Janab MD. KHUDA BUKHSH: Mr. Speaker, Sir, I would only take a few minutes. Sir, when we passed this Bill we were inspired by a very high and noble motive, *i.e.*, of tackling the problem of blackmarketing. We wanted, Sir, that the provisions should be stringent, and therefore, Sir, the House agreed that for the Bill to have a salutary and deterrent effect upon the blackmarkters the provisions should be stringent.

Now, Sir, this Bill, after having been passed by this House, was referred to His Excellency the Governor. Sir, I find that His Excellency the Governor has not been able to see his way to signify his assent. Sir, I would like to ask the Hon'ble Minister in charge of this Bill why this Bill has been referred to us. What were the circumstances that led to this referring back. Sir, it will not do for this Government to take shelter behind the innocuous phraseology, "we do not know what happened". They know that the Governor is only a constitutional Governor, who is supposed to act on the advice tendered by his Council of Ministers. Sir, even in the Centre the Centre is also being governed by Congress Ministers. Sir, therefore, we should like to know what were the circumstances, what were the lacunae, what were the conditions that led to this Bill being referred back to this House and then, Sir, coming to one or two points which have been recommended by His Excellency for our consideration is this that when a joint family is doing business and it is not possible for us to touch the actual owner, His Excellency recommends certain procedure to be adopted. Why is it, Sir? To what purpose would this Bill be when they are put into operation? There are many joint families undertaking business in this country and this point has been stressed by my honourable friend to my right Mr. Charu Chandra Bhandari. Sir, why is it that His Excellency feels that this particular procedure should be adopted in respect of joint families and also about summary trials? Sir, when the Hon'ble Minister rises to make his reply would he please enlighten this House in detail what were the circumstances that led to this Bill coming back to this House?

The Hon'ble Sri PRAFULLA CHANDRA SEN: Mr. Speaker, Sir, my task has been made very light by my honourable friend Sri Charu Chandra Bhandari. This Bill was passed by the Assembly in December, 1947, and His Excellency the Governor reserved the Bill for the consideration of His Excellency the Governor-General who desired to introduce some amendments and requested this Chamber to reconsider the Bill with a view to incorporate the amendments suggested, one relating to the vicarious liability and the other summary trial. These are the two simple amendments.

Objection was taken to the rather heavy minimum punishment prescribed to the determination of punishment with reference to the mode of trial to the clause prescribing a very wide measure of vicarious responsibility.

Janab MD. KHUDA BUKHSH: What were the reasons given by the authorities for taking objection to the heavy punishment?

The Hon'ble Sri PRAFULLA CHANDRA SEN: No reasons are assigned.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Ask the Governor-General.

The Hon'ble Sri PRAFULLA CHANDRA SEN: The amendments are before this House. This is a democratic Government. It is for you to accept the amendments or to reject the amendments. I commend these for the acceptance of the House.

Sri JYOTI BASU: Sir, the Minister has not replied to the question raised.

Sri J. C. GUPTA: The Governor had to reserve the Bill without giving his assent to it for the opinion of the Governor-General under section 107 of the Government of India Act, 1935.

The motion of the Hon'ble Sri Prafulla Chandra Sen that the recommendation of His Excellency the Governor contained in his message under section 76 read with section 75 of the Government of India Act, 1935, be considered in detail, was then put and agreed to.

The Hon'ble Sri PRAFULLA CHANDRA SEN: Sir, I beg to move that the following amendments recommended by His Excellency the Governor in the West Bengal Black Marketing Bill, 1947, be passed—

1. In clause 1 of the Bill,—

(*a*) in sub-clause (*1*) for the figures "1947" the figures "1948" shall be substituted; and

(*b*) for sub-clause (*3*) the following sub-clause shall be substituted, namely:—

West Ben. Ord. VI of 1948.

"(*3*) It shall come into force on the date on which the West Bengal Black Marketing Ordinance, 1948, ceases to operate."

2. For clause 3 of the Bill the following clause shall be substituted, namely:—

Offence of black marketing and penalty.

"3. (*1*) Whoever commits blackmarketing shall be punishable with imprisonment which may extend to seven years but shall not, except for reasons to be recorded in writing, be less than six months and shall also be liable to a fine.

(*2*) The offence of blackmarketing under this Act shall not be prosecuted without the sanction of the Provincial Government.

(*3*) In addition to any other punishment, the Court before which a person is convicted of the offence of black marketing shall order the forfeiture to His Majesty of the goods or things (if any) in respect of which the offence of black-marketing was committed or an equivalent quantity of the same or like goods or things belonging to the convicted person, or of a sum of money representing their value at the time of the order of forfeiture."

3. In clause 5 of the Bill sub-clause (*3*) shall be omitted.

4. After clause 25 of the Bill the following clause shall be inserted, namely:—

"25A. Any rule, order or appointment made or any notification issued or anything done or any penalty, forfeiture or punishment incurred or imposed or any action taken or any proceedings commenced in exercise of any power conferred by the West Bengal Black Marketing Ordinance, 1948, shall, on the said Ordinance ceasing to be in operation, be deemed to have been made, issued, done, incurred, imposed, taken or commenced in exercise of the powers conferred by this Act as if this Act had commenced on the 1st day of January, 1948."

Continuance of action taken under West Bengal Ordinance VI of 1948.

West Ben. Ord. VI of 1948.

Janab MD. KHUDA BUKHSH: On a point of information, Sir. I do not know the procedure about the voting on this motion. De we take the entire recommendation or we shall take clause by clause?

Mr. SPEAKER: The entire recommendation as one.

The motion of the Hon'ble Sri Prafulla Chandra Sen that the following amendments recommended by His Excellency the Governor on the West Bengal Black Marketing Bill, 1947, be passed—

1. In clause 1 of the Bill,—

(*a*) in sub-clause (*1*) for the figures "1947" the figures "1948" shall be substituted; and

(*b*) for sub-clause (*3*) the following sub-clause shall be substituted, namely:—

"(*3*) It shall come into force on the date on which the West Bengal Black Marketing Ordinance, 1948, ceases to operate."

West Ben. Ord. VI of 1948.

2. For clause 3 of the Bill the following clause shall be substituted, namely:—

"3. (*1*) Whoever commits blackmarketing shall be punishable with imprisonment which may extend to seven years but shall not, except for reasons to be recorded in writing, be less than six months and shall also be liable to a fine.

Offence of black marketing and penalty.

(*2*) The offence of blackmarketing under this Act shall not be prosecuted without the sanction of the Provincial Government.

(*3*) In addition to any other punishment, the Court before which a person is convicted of the offence of blackmarketing shall order the forfeiture to His Majesty of the goods or things (if any) in respect of which the offence of blackmarketing was committed or an equivalent quantity of the same or like goods or things belonging to the convicted person, or of a sum of money representing their value at the time of the order of forfeiture."

3. In clause 5 of the Bill sub-clause (*3*) shall be omitted.

4. After clause 25 of the Bill the following clause shall be inserted, namely:—

"25A. Any rule, order or appointment made or any notification issued or anything done or any penalty, forfeiture or punishment incurred or imposed or any action taken or any proceedings commenced in exercise of any power conferred by the West Bengal Black-Marketing

Continuance of action taken under West Bengal Ordinance VI of 1948.

West Ben. Ord. VI of 1948.

Ordinance, 1948, shall, on the said Ordinance ceasing to be in operation, be deemed to have been made, issued, done, incurred, imposed, taken or commenced in exercise of the powers conferred by this Act as in this Act had commenced on the 1st day of January, 1948."

was then put and agreed to.

The West Bengal Cement Control Bill, 1948.

The Hon'ble Sri PRAFULLA CHANDRA SEN: Sir, I beg to introduce the West Bengal Cement Control Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri PRAFULLA CHANDRA SEN: Sir, I beg also to move that the West Bengal Cement Control Bill, 1948, be taken into consideration.

Sri JYOTI BASU: Mr. Speaker, Sir, this Bill which is now before us, is, as everybody would admit, a rather belated piece of legislation, but, however, better late than never. In the meantime we know that much damage has been done after the war years because of the peculiar theory of the Congress Government of free trade through the ordinary channels of trade, the theory of decontrol and thereby helping the richer sections of the society which is the policy of big businessmen in India. Sir, it is through this policy that in West Bengal, for instance we find that during the last one or two years or so cinema houses have been built all over the Province, houses of the rich have been constructed in Calcutta and elsewhere in West Bengal, but as far as the houses for the people go, we know that nothing much could be done, either by the middle classes or the lower sections of the people, either by their own efforts with their own money or by the Government as such. Nor could large housing schemes be undertaken for the refugees by the West Bengal Government because we were still told of the difficulties of getting cement and so on. At the same time one saw that there was a flourishing trade in the blackmarket in cement and other materials and we know that there was monopoly control on those articles which were greatly needed by the people. In this connection it is worth while to remember that there was in India no outstanding shortage of cement or wagon difficulties to which the cement kings could point out but even then with the connivance of the Congress Government and monopoly control of cement it was possible for the cement kings to make tremendous profits at the cost of the poor people who needed cement very badly. In this particular Bill which is now before us we find, as in the last Blackmarketing Bill, that if the cement merchants violated any of the orders under section 3, then they would be let off with rather a light punishment. Naturally people would question why such a thing would happen when there would be blackmarketing or violation of any other order of the Provincial Government in regard to cement. But, of course, taking things together, that is, the Blackmarketing Bill and this particular Bill for control of cement, they will understand why the provision now being made for punishment is so light, and why summary trials are not there in this particular Bill. Then the last point that I wish to make in this connection is the same that I made with regard to the Blackmarketing Bill that it fills me with forebodings as to how this particular Bill when it becomes an Act will be administered by the Provincial Government because we know that for the officials under this Ministry and not only the officials but the Ministers as such, as Sri Sankar Rao Deo told us the other day when he came to Calcutta that the Congressmen were busy in getting permits and so on, and that the administration is corrupt, both new and old. As such, it would be difficult for the officials as also for this administration to so direct its affairs that really this particular Bill would be successful and that under this enactment ordinary people would get cement.

The motion of the Hon'ble Sri Prafulla Chandra Sen that the West Bengal Cement Control Bill, 1948, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 do stand part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10 do stand part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 do stand part of the Bill was then put and agreed to.

Clause 12.

The question that clause 12 do stand part of the Bill was then put and agreed to.

Clause 13.

The question that clause 13 do stand part of the Bill was then put and agreed to.

Clause 14.

The question that clause 14 do stand part of the Bill was then put and agreed to.

Clause 15.

The question that clause 15 do stand part of the Bill was then put and agreed to.

Clause 16.

The question that clause 16 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri PRAFULLA CHANDRA SEN: Sir, I beg to move that the West Bengal Cement Control Bill, 1948, as settled in the Assembly, be passed.

The motion was then put and agreed to.

Mr. SPEAKER: Dr. Roy, should we proceed with the other Bills?

The Hon'ble Dr. BIDHAN CHANDRA ROY: Yes, Sir, we can sit up to 7.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I suggest if we proceed with the smaller Bills and finish them we could take later a holiday having no business to be done.

Sri JYOTI BASU: I do not think we can do justice to other Bills. It is already late.

The Hon'ble Dr. BIDHAN CHANDRA ROY: As a matter of fact these two Bills were already discussed when the ordinance was placed. There is nothing very new about these.

The 24-Parganas District Board Dissolution (Temporary Provisions) Bill, 1948.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to introduce the 24-Parganas District Board Dissolution (Temporary Provisions) Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Dr. BIDHAN CHANDRA ROY: I beg to move that the 24-Parganas District Board Dissolution (Temporary Provisions)) Bill, 1948, be taken into consideration.

I do not desire to speak on this at all because I have spoken at the time when the Ordinance was placed before the House and discussions took place. I may only refer to two of the amendments in order to shorten the debate and that is, the date for which the Bill remains in force has been sought to be changed from 1950 to 1949; and another amendment, instead of 1950 it should be 1960. I do not want to talk about the second amendment because it was obviously meant in—shall I say—a joking spirit, but with regard to 1949, as the Government have said, under clause 7 of the Bill the District Board will be reconstituted after a general election before 9th of May 1950 and as soon as the delimitation has been done and the new rolls have been formed it would be possible for us to have an election. I do desire that the District Board should go on to the elected form or shape as soon as possible but I will leave it for discussion if the amendments are moved.

The motion of the Hon'ble Dr. Bidhan Chandra Roy that the 24-Parganas District Board Dissolution (Temporary Provisions) Bill, 1948, be taken into consideration, was then put and agreed to.

Clause 1.

Janab A. F. M. ABDUR RAHMAN: Sir, I beg to move that in clause 1(3), line 2, for the figures "1950" the figures "1949" be substituted.

Sir, the whole object of my moving this amendment is to shorten the life of the Ordinance-ridden District Board. The Hon'ble Premier has already said that he would like to have an election sometime in 1950, but what I feel is this, that if the present District Board is earnest about it, in that case it can have the election by 1949.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I need only tell him that I take it upon myself to get the election done as quickly as possible but it cannot be done by 9th May, 1949, because there is hardly any time. We require seven months for the electoral roll to be formed and previous to that we have to make delimitation of constituencies. We have put down 9th of May, 1950, after a great deal of calculation and consideration.

Janab A. F. M. ABDUR RAHMAN: Mr. Speaker, Sir, in view of the assurance given by the Leader of the House I beg leave of the House to withdraw the motion.

The motion of Janab A. F. M. Abdur Rahman that in clause 1(3), line 2, for the figures "1950" the figures "1949" be substituted, was then by leave of the House withdrawn.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I beg to move that the 24-Parganas District Board Dissolution (Temporary Provisions) Bill, 1948, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The Calcutta Improvement (Amendment) Bill, 1948.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to introduce the Calcutta Improvement (Amendment) Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I move that the Calcutta Improvement (Amendment) Bill, 1948, be taken into consideration.

The motion was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I beg to move that the Calcutta Improvement (Amendment) Bill, 1948, as settled in the Assembly, be passed.

The motion was then put and agreed to.

Adjournment.

The House was then adjourned at 6-40 p.m. till 3-30 p.m. on Wednesday, the 22nd September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 22nd September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 13 Hon'ble Ministers and 57 members.

UNSTARRED QUESTION

(answer to which was laid on the table)

Reforms in local bodies' administration.

4. Mr. JASIMUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether Government have decided or propose to take up major reforms in the local bodies' administration?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the nature of the reforms?

The Hon'ble Dr. BIDHAN CHANDRA ROY: (*a*) The existing law bearing on different local bodies is being examined afresh in the light of the Administration Enquiry Committee Report and the legislation proposed or passed in other Provinces with a view to decide what reforms, if any, are necessary, but no final decision has yet been reached nor any concrete proposals formulated. As regards Calcutta Corporation, report of the Enquiry Committee is awaited.

(*b*) Does not arise.

Sri CHARU CHANDRA BHANDARI : মাননীয় মন্ত্রী মহাশয় বলবেন কি যে, তিনি তার (*a*) অংশে বলেছেন যে "but no final decision has yet been reached nor any concrete proposals formulated". এই অবস্থায় মাননীয় মন্ত্রী মহাশয় এটা করবেন কি যে, local bodyতে যেমন ইউনিয়ন বোর্ড, ডিষ্ট্রিক্ট বোর্ড, লোকাল বোর্ড প্রভৃতি যেখানে নির্বাচন হয়, সেখানে স্ত্রীলোকের কোন ভোট নেই; সেখানে স্ত্রীলোককে ভোট দেওয়ার কথা বিবেচনা করবেন কি?

The Hon'ble Dr. BIDHAN CHANDRA ROY : হাঁ বিবেচনা করা হবে।

Sri CHARU CHANDRA BHANDARI : আরো একটা কথা যে আমাদের গঠনতন্ত্র পরিষদে গণ-ব্যবস্থা হচ্চে, পূর্ণ বয়স্কদের গণ-ভোটের ব্যবস্থা হচ্চে; সেই রকম ব্যবস্থা করবেন কি?

The Hon'ble Dr. BIDHAN CHANDRA ROY : আমি আপনার প্রশ্নটা শুনতে পেলাম না, বড় গোলমাল করছে।

Sri CHARU CHANDRA BHANDARI : পূর্ণবয়স্কের ভোটাধিকার লোকাল বডিতে দেওয়ার ব্যবস্থা করবেন কি?

The Hon'ble Dr. BIDHAN CHANDRA ROY : স্ত্রীলোকদের?

Sri CHARU CHANDRA BHANDARI : স্ত্রীলোকদের এবং পুরুষদের, উভয়েরই; কারণ, এখন যে ভোটাধিকার আছে সেটা মাত্র বোধ হয় ১৫ per cent.এর বেশী নয়।

The Hon'ble Dr. BIDHAN CHANDRA ROY : আপনি বলছেন adult suffrageএর কথা।

Sri CHARU CHANDRA BHANDARI : হাঁ।

The Hon'ble Dr. BIDHAN CHANDRA ROY : হাঁ, আমরা চেষ্টা করবো।

Sri KANAILAL DE : বাংলার যে সমস্ত জেলায় নভেম্বার ডিসেম্বার মাসে ইউনিয়ন বোর্ড এবং ডিষ্ট্রিক্ট বোর্ডে election day স্থির করা হয়েছে সে যায়গায় election গণ-vote নেওয়ার জন্য এখন বন্ধ রাখবেন কি ?

The Hon'ble Dr. BIDHAN CHANDRA ROY : এ বিষয় আমি ভাববো।

Enquiry regarding action taken against subordinate officer noting in Bengali.

Sri KANAILAL DE : পরিষদপাল মহাশয়, আমি আপনার মারফৎ গভর্ণমেণ্টের নিকট একটা তথ্য জানতে চাই। আজকে অমৃতবাজার পত্রিকার editorial note এ দেখা গেল যে, পুলিশ বিভাগের একজন অধস্তন কর্মচারী বাংলাতে মন্তব্য লেখার জন্য উপরিস্তন কর্মচারীর দ্বারা তিরস্কৃত হয়েছেন।

Mr. SPEAKER: Order please. Such statements and questions cannot be asked like this. I cannot permit it.

Sri KANAILAL DE : This is not a statement. আমি যা বলছি সেটা দয়া করে শুনুন্।

Mr. SPEAKER : Order, order.

Sri KANAILAL DE : দয়া করে আমায় বলতে দিন্। আমি statement দিচ্ছি না। Sir, আমি জানতে চাই যে———

Mr. SPEAKER: If you want to ask a question, please give the question and I will admit it as a short-notice question and send it to Government, but you cannot ask like this. In that case any person can stand up and ask questions. If the leader of a party wants to make a statement about a thing of very unusual importance occurring in the country, he can do so. Questions over.

GOVERNMENT BILLS.

The West Bengal Tamarind Seed Powder Control Bill, 1948.

The Hon'ble Sri PRAFULLA CHANDRA SEN: Mr. Speaker, Sir, I do not like to introduce this Bill, because I want to bring a more comprehensive Bill amending the Bengal Food Adulteration Bill in the next session.

Shaik MOHAMAD RAFIQUE: What about the money wasted on publication and printing of the Bill?

The Hon'ble Dr. BIDHAN CHANDRA ROY: You will pay. (Laughter.)

Mr. SPEAKER: Then the Bill is dropped.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, 1948.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to introduce the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to move that the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1948, be taken into consideration.

Mr. Speaker, Sir, I have to make a few observations in moving my motion. This Bill has a chequered history. It was taken up in the last session of the Assembly after it emerged from the Select Committee and

was discussed up to Clause 12. At that time it was felt that it could not be finished before expiry of the Ordinance and it was therefore decided to extend the life of the Ordinance by passing a short Bill extending the life of the Ordinance, so that the Legislature could take up this measure at greater leisure. Unfortunately the legislature had no time to consider this Bill at its last session. After the session was over it was decided to promulgate it as an Ordinance, but unfortunately again the Government of India suggested that the measure might be taken up as a Bill. It is therefore now placed before the legislature and may I earnestly hope that it will be passed into law as speedily as possible.

Sir, the objects of this Bill have been clearly stated in the Statement of Objects and Reasons. The Bill embodies slight alterations of the provisions of the Bill which was considered in the Select Committee and taken up at the last session. Sir, I have seen criticisms appearing in the press that the alterations are not really slight and the Bill is for all practical purposes a new one. Sir, I would not have minded such irresponsible criticism from quarters habituated to make such criticism, but I was really sorry to see such criticisms appearing in some of the responsible journals which went so far as to say that the Bill has been so radically altered and altered against the poor suffering tenants as to deserve outright rejection. Let me repeat again that no such substantial alterations have been made and I throw out a challenge to all critics of the Bill to prove that this Bill does not give exactly the same rights and privileges, the same protection to the different categories of tenants and sub-tenants which they get under the Bill as reported by the Select Committee and accepted by the House up to clause 12. Sir, I assert once again that the Government have not made any alterations in those rights and privileges and I make bold to say that all these criticisms, as I shall presently show, are either based on a hasty reading of the Bill or on biassed judgment which reason cannot prove or logic cannot alter. Before we discuss the provisions of the Bill itself let me dispose of the preliminary points. Criticisms have been made on the ground that this Bill is being taken afresh and not from clause 13 and this is an unnecessary waste of time. I can assure the House that the Government yield to none in their anxiety to see that this measure is placed on the Statute Book as speedily as possible. Anybody who is even a little conversant with rules of procedure will know that under the rules of procedure it is not possible to take up this Bill from clause 12 in this session. Sir, I do not want to take up the time of the House by going into this procedural matter now. I would only refer to May's Parliamentary Practice, 14th Edition, pages 30-31, where it is stated that the effect of prorogation is at once to suspend all proceedings of the House and all proceedings pending at the time are quashed. In accordance with our rules only the Bill does not lapse but all the discussion of the clauses adopted will go and they will have to be taken up afresh.

Now, Sir, I may speak a few words on the basic scheme of the Bill itself. Here again I will repeat that the basic scheme of the present Bill is exactly the same as the basic scheme of the Bill as reported by the Select Committee and taken up by the House at its last session. What are the main features of the Bill? The first feature is the control of the amount of rent. Provision has been made for the fixation of the standard rent according to certain schedules and no rent can be charged above that standard rent and if any excess rent has been charged that excess will be refundable. No *salami* or premium can be charged except in the case of long leases for purposes of development in accordance with the provisions of clause 5. Penalties have been imposed for recovering the rent in excess of the standard rent as also for taking any premium, *salami*, fine or any other imposition in addition to the standard rent. This control and the amount of rent applies not only to the rent recoverable from the tenant but also from the rent recoverable by the tenants from the sub-tenants. It has been laid down that no tenant shall be entitled to realise any rent from the sub-tenant in excess of 6¼ per cent. over the standard rent or a proportionate part

thereof payable by the tenant. Secondly the tenants and the sub-tenants have been given a definite status. Clause 11 lays down that the tenant will not be evicted except on the grounds specified in that clause and where the tenant is so evicted, the sub-tenant will, unless the landlord requires the premises for his own *bona fide* requirements, become the tenant. The landlords will now no longer be able to cut off or withhold electric supply or refuse essential supplies and so on. The third feature of the Bill relates to the provisions made about the sub-tenants. The old Bill as it emerged out of the Select Committee made the provision that the tenant will be able to sub-let or otherwise transfer his interest in the premises for a period not exceeding six months and to the extent of the minor portion of the premises. If he sub-lets either the whole or a major portion of the premises and for a period exceeding six months, he was liable to be evicted, and the sub-tenants would take his place. It was further provided that the tenants could not sub-let in any manner in contravention of the terms of contract in writing expressly prohibiting such sub-letting or transfer. These provisions have been retained without the slightest change in the present Bill also.

The several minor changes introduced in the present Bill have, as I have already said, come in for a good deal of criticism. Sir, let me first refer to clause 2(*4*) where landlord has been defined. In the present Bill as drafted by the Select Committee, the landlord was defined as "any person who for the time being is receiving or is entitled to receive the rent of any premises whether on his own account or on account or on behalf, or for the benefit of any person, or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant and includes a legal representative as defined in the Code of Civil Procedure, 1908, and every person from time to time deriving title under a landlord and further includes in respect of his sub-tenant a tenant who sub-lets any premises". In the present Bill, the words "Every person from time to time deriving title under a landlord and further includes in respect of his sub-tenant a tenant who sub-lets any premises" have been omitted. It has been argued that the omission of these words lends itself to the interpretation that the rights of the sub-tenants have been curtailed. If I may say, Sir, that interpretation is nothing but a misinterpretation. As you shall see, Sir, the substantive provisions about sub-letting incorporated in the Bill in the later clauses are exactly the same as in the old Bill and lawful sub-letting has been allowed in exactly the same way as in the old Bill. In this clause, those words were, from the drafting point of view, considered to be not only unnecessary but confusing. A person who receives or is entitled to receive rent includes a landlord receiving rent from his tenants and a tenant receiving rent from his sub-tenant. The inclusion of the words now omitted will only create confusion by making a tenant a landlord both in relation to his landlord and in relation to his sub-tenant. In order to avoid this confusion, the Government were advised by the highest legal authorities to omit these words, as even without these words, the definition includes a tenant who receives rent from his sub-tenant. I may read out the opinion of the Advocate-General who says that the words "any person who for the time being is receiving or entitled to receive rent" obviously includes a tenant (of a landlord) who receives rent from his tenant (the sub-tenant) and the retention of those words therefore would only create confusion. On the point whether the omission of these words would in any way affect the rights of the sub-tenants given in the Bill as reported by the Select Committee, he holds that the Bill as drafted now will not affect the rights of the sub-tenants in the Bill as reported by the Select Committee; on the other hand, it makes it clearer and avoids all possible confusion. Sir, it will therefore be clear to the House now that all criticism on this point is unwarranted and unjustified. Sir, corresponding changes had to be made in clause 2(*8*) and you will not now find there the following words which were to be found in the Bill as reported by the Select Committee, namely, a tenant "further includes in

respect of any tenant or a sub-tenant who sub-lets any premises, his sub-tenant". But here again the definition of the tenant has been considered wide enough to include a sub-tenant and these words have been, on the above grounds, considered to be unnecessary. Now, Sir, having tried to remove the misconception that the rights given to the sub-tenants in the old Bill have been taken away in the present Bill even in the slightest degree, I shall now proceed to refer to the only other change made in the Bill. In clause 18 of the old Bill provision was made for suits below the value of Rs. 2,000 could be filed either in the Original Side of the High Court or the Small Causes Court. Sir, it has been considered to be difficult for poor tenants to fight out a case if it is filed in the High Court. Sir, it was not the intention of the Select Committee to permit unnecessary litigation. In order to afford relief to the tenants, therefore, that clause has now been redrafted—the present clause is clause 16—so that such suits may be instituted in the Small Causes Court only. I think the House will pardon me if I say that if this clause is passed, the House may take legitimate pride in affording genuine relief to the tenants by saving them from unnecessary expenses and difficulties. Sir, I shall not refer to the other changes, which are merely verbal in nature. But I shall refer to one other criticism that has been made in the press. It relates to clause 11(*b*), the provision relating to sub-letting. It lays down that eviction of the tenant will be permissible on the ground that the tenant has sub-let the whole or major portion of the premises and for more than six months or he has not sub-let the premises in any manner in contravention of the terms of a contract in writing expressly prohibiting such sub-letting or transfer. That means, that where there is no written contract prohibiting such sub-letting, the tenant can sub-let for six months a minor portion of the premises. Two criticisms have appeared on this point. First, the period is too short; secondly, the right of sub-letting has been given with too great limitations. I must again say that such criticism is unwarranted and unjustified.

What is the idea behind this provision? The idea is that all genuine residents will be given protection under the Act. Now, if the tenant himself resides, he is protected. If he sub-lets according to the above provisions, he is also protected. Under this clause he will be in a position to sub-let for six months in cases of emergency. That cannot be said to be a short period. But where the tenant sub-lets the major part of the premises and for more than six months, then it becomes his business concern and he is earning a middleman's profit. What is the provision in that case? According to this clause, he will in that case be evicted, but not so the actual occupants, namely, the sub-tenants. The sub-tenants will then become direct tenants under the landlords. May I ask what is the justification for affording protection to the middleman who makes a profit out of nothing? Sir, I have no apology to make in putting forward the opinion I strongly hold that in these cases the Government would be quite justified in allowing the tenants to be evicted and the sub-tenants taking their place and thus be saved from the additional rent they had to pay to the landlord. Sir, it seemed strange to me to find those who were arguing on behalf of the sub-tenants finding fault with this clause which in reality gives benefit to the sub-tenants themselves.

Sir, one word more and I finish. I sincerely believe and hope that this Bill will give protection to the much-harassed tenants and sub-tenants of the province but I must say that even this Bill will offer no permanent solution of the problem. The fact is that there is a very great shortage of housing accommodation in Calcutta and other municipal areas. This problem cannot ultimately be solved without building more houses. The Government are alive to this problem and are trying to do as much as possible in the face of very great difficulties about building materials. This is not the occasion to raise that bigger question now, and the Government will be only too glad to take the House into confidence if and when such opportunity arises and tell the House what they have been able to do and what they have not been

able to do in this direction. But so long as the shortage remains, it shall be the endeavour of the Government to see to it that those unfortunate people who have been forced to flock to the cities are given such protection as they deserve and I hope this Bill will give that protection.

Janab MD. KHUDA BUKHSH: Mr. Speaker, Sir, I was in the Select Committee when this Bill which was before the House last session was being considered by the Committee and I must say I am in general agreement with the provisions of this Bill. But I take this opportunity, Sir, to bring to your notice the penal provisions that attach to those landlords who accept premium or *salami*. It has been provided, in section 40, I think, that the offence is cognisable and non-bailable. I submit that the offence should be made bailable, for that might as well be a discouragement to those landlords who harass tenants and who will not allow the tenants in unless they pay the *salami* or premium. But, Sir, by making the offence non-bailable it causes more hardship than is desired. After all a landlord is a man of some substance, he has got a house in Calcutta and therefore though we have made it a criminal offence it should not be at par with the other criminal offences which are cognisable and non-bailable. I would therefore request the Government to accept the proposed amendment to clause 40. I am of opinion that the offence should be made cognisable inasmuch as the police should be able to take cognisance and submit charge-sheets and adopt other procedure in general in such cases, but the police should be allowed to bail the landlords out. I think this is only just and fair and I hope the Hon'ble Minister will accept the amendment.

Shaik MOHAMAD RAFIQUE: Mr. Speaker, Sir, we have just heard the Hon'ble Minister giving the bright features in the Bill. Of the new additions that have been made, the outstanding one is that the *salami* money will now be shared by the landlord and the tenant of the first degree. Many of the tenants who have been clamouring against the landlord will be satisfied now by a share in the *salami*. I find that no relief has been given to those landlords who entered into a lease of their premises for a period of twenty to thirty years during the year 1925 and 1930. Sir, those were years of depression and rents were low. The depression has now disappeared but the rent remain the same. These leases have expired, but the landlords cannot increase rent except the statutory increase under this Act. I tried to move an amendment in the Select Committee to this effect. Perhaps there I could not make myself understood. My intention was that such a Bill should be brought forward which will at least give some concession to the house owners so that the situation in the city might be eased and those house owners who were reluctant to let out their houses at a low rent may now readily come forward. If the house owners are given today a fair and just rent many of the houses which are now vacant or which are let out to their own people may be let out to genuine tenants at fair rent. Sir, an increase of 6¼ per cent. has been allowed to landlords who get a rent below Rs. 50, but one-twelfth of the annual rental has got to be spent on repair of the premises during the year. While the landlord gets only 6¼ per cent. increase in rent, he on the other hand is asked to spend 8⅓ per cent. on repair during the year. What is the gain, Sir? It would have been much better if the tenant had been left to pay Rs. 50 and let off without an increase and the landlord had been let off without being asked to spend 8⅓ per cent. on repair. Instead a substantial increase of rent ought to have been granted in the case of those big tenants who pay a rent of over Rs. 500. Business concerns which can pay a monthly rent of Rs. 500, they can even pay more. If this Bill provides a higher percentage in the case of those tenants who are paying Rs. 500 or more and gives concession to those who pay less than Rs. 100, that would have been some relief to the poorer tenants. Houses with rents of Rs. 50 downward are inhabited by poorer classes of people whose earning is very limited. So an increase would be heavy so far as they are concerned. Another relief which has been provided in the Bill for the benefit of house owners was the payment of rent direct

instead of to the Rent Controller. Rent case takes a long time and when you institute a case against a tenant in the Small Cause Court, payment by instalment is awarded. Rent accumulates from month to month and at the end heavy accumulation results in loss. Some provision should have been made to stop this instalment system.

Sri J. C. GUPTA: I believe Janab Rafique was a member of the Select Committee!

Shaik MOHAMAD RAFIQUE: But you have made material alterations in the Bill. If a tenant defaults, and if he fails to pay three months' rent he is liable to be ejected but, in that case the landlord loses all the rents of the three months. If he realises those three months' rent from the incoming tenant, you term that as a *salami*. These are the questions which should have been considered by the Hon'ble Minister and some change here and there would have given relief to the landlord.

I refer to cognizable and non-bailable offences under clause 40. So far as I understand "non-bailable" offences are those where it is apprehended that the man may run away. That is how I understand the word. If an offence is non-bailable, it is intended that the man should not run away and for this purpose the offence is made non-bailable. But landlords have got immovable properties and interests and they cannot afford to run away.

The motion of the Hon'ble Sri Bimal Chandra Sinha that the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1948, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 2(*11*), lines 4 and 5, after the words and figures "Code of Civil Procedure, 1908", the words "of the tenant" be inserted.

The Hon'ble Sri BIMAL CHANDRA SINHA: I accept it.

The motion was then put and agreed to.

The question that clause 2, as amended, do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 7(*1*)—

(*a*) in line 1 after the words "has been paid" the words "or deposited" be inserted;

(*b*) in line 17, after the words "such payment" in the two places where they occur, the words "or deposit" be inserted;

(*c*) in line 19, after the word "received" the words "or to whose credit such deposit was made" be inserted;

(*d*) in line 20, after the words "so paid" the words "or deposited" be inserted.

I also move that in clause 7(*2*), in line 5, after the words "was paid" the words "or deposited," be inserted.

The Hon'ble Sri BIMAL CHANDRA SINHA: May I explain that the object of these amendments is only to clarify the position, namely, the word "payment" means also the rent that is deposited with the Rent Controller. In order to clarify this lacuna these amendments have been introduced and I accept these.

The motion of Sri D. N. Mukherji that in clause 7(*1*)—

(*a*) in line 1 after the words "has been paid" the words "or deposited" be inserted;

(*b*) in line 17, after the words "such payment" in the two places where they occur, the words "or deposit" be inserted;

(*c*) in line 19, after the word "received" the words "or to whose credit such deposit was made," be inserted;

(*d*) in line 20, after the words "so paid" the words "or deposited" be inserted,

was then put and agreed to.

The motion of Sri D. N. Mukherji that in clause 7(*2*), in line 5, after the words "was paid" the words "or deposited," be inserted, was then put and agreed to.

The question that clause 7, as amended, do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 do stand part of the Bill was then put and agreed to.

Clause 10.

Shaik MOHAMAD RAFIQUE: Sir, I beg to move that in clause 10, line 9, after the words "the case" the words "provided that such date shall in no event be after the date of the institution of the proceedings before the Rent Controller" be inserted.

This clause 10 deals with the date on which the Rent Controller shall fix the standard rate of rent. The clause is not very clear. We have got experience of cases pending before the Rent Controller for months and months and the standard rent is fixed from the day when the order is passed. If the pointed attention of the Rent Controller is drawn to the date of institution, he expresses his inability on account of ambiguous provision in the Act. The result is that landlords lose large sums of money and tenants also suffer when standard rents are fixed. So, Sir, I move this amendment that in no case the date should be after the date when the case is instituted either by the landlord or by the tenant because at the time when a case is instituted, a tenant or landlord is entitled to get either enhanced rent or reduced rent. There are many cases which take months and months to be disposed of on account of the interested party. So, it would be fair, just and equitable that the landlord or the tenant shall be entitled to get the

enhanced or reduced rent from the date when the case was instituted or any other date before that institution which the Rent Controller may think fit. I hope the Hon'ble Minister in charge will accept it. I need not have gone into the question because the Hon'ble Minister himself is a zamindar and realises the difficulties of the landlords and tenants. There are several cases in which the Rent Controller perhaps under the impression that the standard rent was to run from the date of the order of the Rent Controller ordered that the enhanced or reduced rent should be paid from the date of the order. I feel that a tenant or landlord is entitled to relief from the date of institution of the case.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 10, line 9, after the words "of the case" the words "but shall not be subsequent to the date on which the application under section 9 is made" be inserted.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept the logic of Mr. Rafique but the language of Mr. D. N. Mukherji. Therefore I accept the latter amendment.

The motion of Shaik Mohamad Rafique that in clause 10, line 9, after the words "the case" the words "provided that such date shall in no event be after the date of the institution of the proceedings before the Rent Controller" be inserted, was by leave of the House withdrawn.

The motion of Sri D. N. Mukherji that in clause 10, line 9, after the words "of the case" the words "but shall not be subsequent to the date on which the application under section 9 is made" be inserted, was then put and agreed to.

The question that clause 10, as amended, do stand part of the Bill, was then put and agreed to

Clause 11.

Shaik MOHAMAD RAFIQUE: I beg to move that in clause 11(*1*)-(*bbb*), line 1, for the words "six months" the words "four months" be substituted

Sir, the addition of this sub-clause was intended for the tenants who had to go out of the city for a change for a period of three months, especially those who proceed on home leave. The maximum leave which a service-holder earns is three months at the utmost, and so if he wants to sub-let his flat or his house to a tenant for that period he should be allowed to do so. The other sections prohibiting sub-letting shall not be applicable to him. That was the idea, and so I think that instead of having six months, four months will suffice. I do not know if Government allows anybody to go on leave for more than three months at the maximum. My fears are that this section will be abused and misused, because for the first six months the landlord will not know that it has been sub-let. Just after five months he will come to know and the tenant will take advantage of this section and intimate to the landlord that it has been recently let. At least something ought to have been provided that the tenant should inform the landlord immediately he sub-lets that portion of his premises under this section or that he shall not be able to sub-let it for a period of more than four months. I do not understand the logic of six months, because if the Hon'ble Minister remembers it was only to give help and facilities to those gentlemen who were proceeding on leave, and it was with that intention that this clause was inserted.

Sri J. C. GUPTA: Sir, I have got an amendment.

Mr. SPEAKER: Is it on this very clause on which Mr. Rafique has moved his amendment?

Sri J. C. GUPTA: Yes, Sir. I have got a short-notice amendment to move.

Mr. SPEAKER: I have just received the short-notice amendment of Sri J. C. Gupta and it has not been circulated to the House.

Janab MD. KHUDA BUKHSH: Sir, since it comes from Sri J. C. Gupta we accept it. (Laughter.)

Sri J. C. GUPTA: I am much obliged.

The Hon'ble Sri KIRAN SANKAR ROY: That goes against him.

Sri J. C. GUPTA: I beg to move that in proviso (*b*)(*i*) to clause 11(*1*) for the words "a period exceeding six months" the words "more than six consecutive months" be substituted.

Sir, this amendment is necessary, because it may be a subject-matter of legal quibble that prohibition will only operate if there is sub-letting for a period of six months and not if the sub-letting is done month by month exceeding six months. In order to remove that confusion, I am proposing that, and I hope the Hon'ble Minister will accept it.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, since it has been moved by Sri J. C. Gupta and unanimously accepted by the Opposition and even Sri Jyoti Basu has not opposed it, I accept the amendment. (Laughter.)

The motion of Shaik Mohamad Rafique that in clause 11(*1*)(*b*)(*i*), line 1, for the words "six months" the words "four months" be substituted, was by leave of the House withdrawn.

The motion of Sri J. C. Gupta that in proviso (*b*)(*i*) to clause 11(*1*) for the words "a period exceeding six months" the words "more than six consecutive months" be substituted, was then put and agreed to.

Sri HEMANTA KUMAR BASU: Sir, I beg to move that in clause 11(*1*), item (*g*) be omitted.

Sir, the object of the amendment is not to give wide power to the landlord to put the tenant into trouble on whatever ground he likes.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept the amendment.

The motion of Sri Hemanta Kumar Basu that in clause 11(*1*), item (*g*) be omitted, was then put and agreed to.

Sri D. N. MUKHERJI: Sir, I beg to move that clause 11(*2*) be omitted.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, this amendment is consequential to the previous amendment and I accept it.

The motion of Sri D. N. Mukherjee that clause 11(*2*) be omitted, was then put and agreed to.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 11(*4*), lines 9 and 10, for the words "the tenant would have held under the landlord" the words "such person would have held under the tenant" be substituted.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept it.

The motion was then put and agreed to.

Mr. SPEAKER: May I draw the attention of Government to clause 11(*b*) where it is stated that "where the tenant has sub-let, or otherwise transferred his interest in, the premises—

(*i*) for a period exceeding six months and to the extent either of the whole or a major portion of the premises....."

Now, suppose with the consent of the landlord sub-letting is done for a period exceeding six months and to the extent of the whole or a major

portion of the premises what will happen. As a matter of fact, there was a provision in this regard in the Ordinance that is in existence at the present moment. The words "with the consent of the landlord in writing" which were in the Ordinance have been omitted in this Bill. I do not know whether this has been done deliberately or is merely an omission. So, I want to know the exact position.

The Hon'ble Sri BIMAL CHANDRA SINHA: In that case I do not think he can be evicted. Please look at clause 11(*b*)(*ii*).

Mr. SPEAKER: I find in clause 11(*b*)(*ii*) that if there be a lease prohibiting sub-letting and if he sub-lets then he is liable to be evicted, whereas (*b*)(*i*) says that if there is sub-letting exceeding 6 months of a major portion of a house or of the entire house in that case the tenant is liable to be evicted.

I am putting the question, if the sub-tenant has been taken in for more than 6 months but with the consent of the landlord, then this clause does not protect those cases also.

Janab A. F. M. ABDUR RAHMAN: Sir, may I suggest that we may adjourn for prayer and in the meantime the Hon'ble Minister may come to a decision on this point?

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I am considering the point raised by you. I am grateful to you, Sir, for having raised this point. As the consideration of this point will take some more time, I would suggest that we might proceed with the consideration of the other clauses of the Bill in the meantime. I shall let you know the position sometime later.

Mr. SPEAKER: All right. Then we take up clause 12.

Janab MD. KHUDA BUKHSH: Sir, can one clause be held over when the other clauses will be taken up?

Mr. SPEAKER: Yes, there is no harm in it.

Janab MD. KHUDA BUKHSH: Sir, other clauses may have a bearing on this clause or this clause may have a bearing on some other clause.

Mr. SPEAKER: I do not think that difficulty will arise. But if such a difficulty arises then that clause also will be held over.

Mrs. E. M. RICKETTS: Sir, do we understand that the whole clause is being held over?

Mr. SPEAKER: No, this point only. Next clause.

Clause 12.

Sri SUSIL KUMAR BANERJEE: As Sri Dhirendra Narayan Mukherji is not here may I move the amendment standing in his name?

Mr. SPEAKER: Yes, you may move it as your short-notice amendment.

Sri SUSIL KUMAR BANERJEE: Sir, I beg to move that in clause 12(*3*), lines 2 to 6, for the words "if for three consecutive months after any rent payable by a tenant in respect of any premises has accrued due the tenant fails to pay or deposit such rent in accordance with the provisions of this Act" the words "if a tenant fails for three consecutive months to pay or deposit in accordance with the provisions of this Act any rent payable by him in respect of any premises which has accrued due after the commencement of this Act" be substituted.

Shaik MOHAMAD RAFIQUE: Is it a short-notice amendment, Sir?

Mr. SPEAKER: It was an amendment standing in the name of Sri Dhirendra Narayan Mukherji, but as he is not present at the moment I have allowed Sri Susil Kumar Banerjee to move it as a short-notice amendment.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, may I explain this short-notice amendment? This amendment is a formal amendment. It seeks to clear up the lacuna that exists in clause 12. The question is the date from which the three months will be counted. These three months will be counted after the commencement of the Act. Only this portion is added. It has been made clear by this amendment that after three months' expiry since the commencement of the Act the tenant shall not be deemed to be a tenant if he has defaulted.

Shaik MOHAMAD RAFIQUE: May I know what is the provision against cases where rents for the last six months are due and if the party deposits it with the Rent Controller?

The Hon'ble Sri BIMAL CHANDRA SINHA: As regards arrears, that has also been provided in the Bill.

The motion of Sri Susil Kumar Banerjee that in clause 12(*3*), lines 2 to 6, for the words "if for three consecutive months after any rent payable by a tenant in respect of any premises has accrued due the tenant fails to pay or deposit such rent in accordance with the provisions of this Act" the words "if a tenant fails for three consecutive months to pay or deposit in accordance with the provisions of this Act any rent payable by him in respect of any premises which has accrued due after the commencement of this Act" be substituted, was then put and agreed to.

The question that clause 12, as amended, do stand part of the Bill, was then put and agreed to.

Clause 13.

Sri HEMANTA KUMAR BASU: Sir, I beg to move that in clause 13, line 4, for the word "ten" the word "five" be substituted.

Sir, the object of my amendment is to shorten the period of ten years and reduce it to five years during which the tenants can claim benefit under section 11.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, may I say that the Act provides for ten years, and the object of the amendment is to reduce it to five years. If the word "five" is substituted for the word "ten" the purpose of this provision will be largely frustrated. I may therefore say that if the honourable member moves a short-notice amendment substituting "seven" for "ten", I am prepared to accept it.

Sri HEMANTA KUMAR BASU: In that case, Sir, I am prepared to withdraw the motion I have just moved. I beg to move that in clause 13, line 4, for the word "ten" the word "seven" be substituted.

Shaik MOHAMAD RAFIQUE: Sir, I beg to move that the following sentence be added to clause 13 at the end, namely:—

"In evicting such tenants the court shall direct symbolical possession to be given to the landlord by the attornment of the sub-tenants direct to him."

Sir, I am thankful to the Hon'ble Minister for accepting the previous amendment reducing the period from ten years to seven. Many of the leases were entered into in 1935 and they expired in 1945 when the Rent Act was in operation. Those landlords who had let out the premises at abnormally low rent were getting only ten per cent. increase of the original rent.

Now, Sir, so far as my amendment is concerned, this clause in the Bill is not very clear. If I institute a case against a tenant who was a lessee before and if the court holds that he should vacate the premises, then although my sub-tenant becomes my tenant, I do not know how to realise the rent from my sub-tenant. If the lessee plays tricks in collusion with the sub-tenant, there is nothing by which I can force the sub-tenant to pay the rent direct to the superior landlord. That is why I move that the court shall pass orders and give symbolical possession of the premises to the landlord and then the sub-tentant shall become directly the tenant of the superior landlord. If the Hon'ble Minister convinces me that the provisions of the Bill are quite clear on the point I am prepared to withdraw my amendment.

The Hon'ble Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I may tell Janab Rafique that his amendment is unnecessary. In view of the fact that the sub-tenants become tenants and that there are provisions for realisation of rent from tenants those provisions will automatically apply to sub-tenants when they become tenants. If they become tenants they will come under the operation of those provisions which lay down that a tenant must pay under such and such conditions rents to the landlord. Therefore this amendment that the court will first give symbolical possession to the landlord and then put the sub-tenant in the position of a tenant will be a circuitous process which we cannot accept.

Shaik MOHAMAD RAFIQUE: In view of the assurance given by the Hon'ble Minister, Sir, I beg leave to withdraw my amendment.

Sri SUSIL KUMAR BANERJEE: Sir, I beg to move that in clause 13, line 13, after the words "provisions of this Act" the words "and thereupon the provisions of the proviso to sub-section (*4*) of section 11 shall apply" be added.

The motion of Sri Hemanta Kumar Basu that in clause 13, line 4, for the word "ten" the word "five" be substituted, was then by the leave of the House withdrawn.

The motion of Shaik Mohamad Rafique that the following sentence be added to clause 13 at the end, namely:—

> "In evicting such tenants the court shall direct symbolical possession to be given to the landlord by the attornment of the sub-tenants direct to him."

was then by the leave of the House withdrawn.

The motion of Sri Hemanta Kumar Basu that in clause 13, line 4, for the word "ten" the word "seven" be substituted, was then put and agreed to.

The motion of Sri Susil Kumar Banerjee that in clause 13, line 13, after the words "provisions of this Act" the words "and thereupon the provisions of the proviso to sub-section (*4*) of section 11 shall apply" be added, was then put and agreed to.

The question that clause 13, as amended, do stand part of the Bill, was then put and agreed to.

Clause 14.

The question that clause 14 do stand part of the Bill was then put and agreed to.

Clause 15.

Sri SUSIL KUMAR BANERJEE: Sir, I beg to move that in the proviso to clause 15, line 3, for the words "up to" the word "by" be substituted.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept the amendment. It is only a grammatical amendment.

Shaik MOHAMAD RAFIQUE: Sir, I beg to move that in clause 15, lines 5 and 6, for the words "the building or re-building of the premises is not commenced" the words "the demolition or building or re-building of the premises is not commenced within a period of six months" be substituted.

Sir, this clause provides that in case a landlord wants his premises to be vacated for the purpose of building or re-building he must commence the building operations or the re-building operations within two months from the date of such vacation of the premises. It is not possible, Sir, as it would be seen, because here two provisions are made, one where the landlord wants the premises to be vacated for the purpose of construction and the other where the landlord wants the building to be vacated for his own use, and, Sir, for both these operations two months' time has been provided. I think the time was intended for cases where the premises were required by the landlord for his personal use, making it imperative to occupy the premises within a period of two months. That is quite fair. But in case where the landlord wants the premises to be vacated and wants to demolish it and re-build it, a period of two months is not sufficient, because after the tenant has vacated he would require some time to make arrangements for materials and for demolition. In that case at least six months' time should be given to the landlord so that he may pull down his premises and start re-building operations. A period of two months is not sufficient. He will have to run to the Corporation. He will have to make arrangements for masons and buy materials and run to the Hon'ble Minister in charge of Civil Supplies for cement, which, as you know, is not available so readily. Even if he goes to the black-market for the purpose it will take some time. I hope in case where the building has to be pulled down or the re-building operation has to be commenced, at least six months' time should be given to the landlord. After all he is a loser if he does not pull down the building and start reconstruction immediately. He cannot realise any rent and nobody will be foolish enough to keep his premises vacant and not start building operations. It would be to his interest to start the reconstruction and construction of the building as soon as possible so that he may either get rent or use the premises for his own purpose. I hope, Sir, the Hon'ble Minister will in all reasonableness accept this amendment which is very fair and just.

Janab MD. KHUDA BUKHSH: Mr. Speaker, Sir, in rising to support this amendment, I shall say this that probably an argument might be advanced from the other side of the House that a landlord wishing to commence building operations will collect the materials and other things betimes and will start the building operations immediately the tenants are out of his house But, Sir, that is not possible for the simple reason that when an application is put in for materials to the various Government departments, they will certainly enquire into the requirements and when they find that the house is in occupation, they might feel that the landlord may or may not commence building operations or may or may not commence repairs. Therefore, Sir, the time sought in the amendment—six months—is justified and I hope the Hon'ble Minister will accept the amendment.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, the honourable members opposite are labouring under a misapprehension. There are two points in Shaik Mohamad Rafique's amendment. The first point is that he wants to add the word "demolition". Really there is no purpose in adding the word "demolition".

Secondly, he wants more time to be given to the landlords for commencing their building operations. Mr. Rafique told about the black-marketing operations—I do not know if he has thorough experience of that—but even if he goes to the black-market, he will hardly find materials in six months' time. That is why a provision has been made here in the proviso to section 15 that the Controller may, on the application of the landlord, extend the period within which the building or the re-building of the

premises is to be commenced, up to two months at a time and six months in all. So, I think that serves the purpose of Mr. Rafique's amendment and I hope my proposal is very fair and very equitable and Mr. Rafique will kindly withdraw his amendment.

The motion of Sri Susil Kumar Banerjee that in the proviso to clause 15, line 3, for the words "up to" the word "by" be substituted, was then put and agreed to.

The motion of Shaik Mohamad Rafique that in clause 15, lines 5 and 6, for the words "the building or re-building of the premises is not commenced" the words "the demolition or building or re-building of the premises is not commenced within a period of six months" be substituted, was then put and lost.

The question that clause 15, as amended, do stand part of the Bill was then put and agreed to.

Clause 16.

The question that clause 16 do stand part of the Bill was then put and agreed to.

Clause 17.

Sri SUSIL KUMAR BANERJEE: Sir, I beg to move that in clause 17(*1*), lines 11 and 12, for the words "if the ground on which the suit or proceeding has been based exists" the words "if there is sufficient cause for proceeding with the suit or proceeding" be substituted.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept this amendment.

The motion was then put and agreed to.

The question that clause 17, as amended, do stand part of the Bill was then put and agreed to.

Clause 18.

The question that clause 18 do stand part of the Bill was then put and agreed to.

Clause 19.

The question that clause 19 do stand part of the Bill was then put and agreed to.

Clause 20.

The question that clause 20 do stand part of the Bill was then put and agreed to.

Clause 21.

The question that clause 21 do stand part of the Bill was then put and agreed to.

Clause 22.

The question that clause 22 do stand part of the Bill was then put and agreed to.

Clause 23.

The question that clause 23 do stand part of the Bill was then put and agreed to.

Clause 24.

The question that clause 24 do stand part of the Bill was then put and agreed to.

Clause 25.

The question that clause 25 do stand part of the Bill was then put and agreed to.

Clause 26.

The question that clause 26 do stand part of the Bill was then put and agreed to.

Clause 27.

Sri SUSIL KUMAR BANERJEE: Sir, I beg to move that in clause 27-(*1*), line 7, after the words "on conviction" the words "in a criminal court" be inserted.

Sir, the purpose of the amendment is clear from the wording of the amendment.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept it.

The motion of Sri Susil Kumar Banerjee that in clause 27(*1*), line 7, after the words "on conviction" the words "in a criminal court" be inserted, was then put and agreed to.

The question that clause 27 as amended, do stand part of the Bill was then put and agreed to.

Clause 28.

The question that clause 28 do stand part of the Bill was then put and agreed to.

Clause 29.

The question that clause 29 do stand part of the Bill was then put and agreed to.

Clause 30.

The question that clause 30 do stand part of the Bill was then put and agreed to.

Clause 31.

The question that clause 31 do stand part of the Bill was then put and agreed to.

Clause 32.

Shaik MOHAMAD RAFIQUE: Sir, I beg to move that the following further proviso be added to clause 32(*1*), namely:—

"Provided further that no person shall be entitled to the benefit of this section if he has not paid the outstanding rent in full under this Act".

Mr. SPEAKER: May I know from the honourable member whether he is moving amendment No. 22 or he is moving his short-notice amendment No. 55?

Shaik MOHAMAD RAFIQUE: I am going to move No. 55.

Mr. SPEAKER: Please move both of your amendments.

Shaik MOHAMAD RAFIQUE: I am now moving amendment No. 55.

Sir, I beg to move that to sub-clause (*1*) of clause 32 the following further proviso be added, namely:—

"Provided further that no appeal presented under this sub-section by a tenant shall be entertained unless all arrears of rent payable by such tenant in accordance with the order of the Controller appealed against has been paid or deposited in accordance with the provisions of this Act."

Sir, I beg to withdraw my amendment No. 22.

Mr. SPEAKER: Have you moved that amendment?

Shaik MOHAMAD RAFIQUE: Yes; I have moved both these amendments, and I want to withdraw amendment No. 22.

The motion of Shaik Mohamad Rafique that the following further proviso be added to clause 32(*1*), namely:—

"Provided further that no person shall be entitled to the benefit of this section if he has not paid the outstanding rent in full under this Act",

was then by leave of the House withdrawn.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept amendment No. 55.

The motion of Shaik Mohamad Rafique that to sub-clause (*1*) of clause 32 the following further proviso be added, namely:—

"Provided further that no appeal presented under this sub-section by a tenant shall be entertained unless all arrears of rent payable by such tenant in accordance with the order of the Controller appealed against has been paid or deposited in accordance with the provisions of this Act,"

was then put and agreed to.

The question that clause 32, as amended, do stand part of the Bill was then put and agreed to.

Clause 33.

The question that clause 33 do stand part of the Bill was then put and agreed to.

Clause 34.

The question that clause 34 do stand part of the Bill was then put and agreed to.

Clause 35.

The question that clause 35 do stand part of the Bill was then put and agreed to.

Clause 36.

The question that clause 36 do stand part of the Bill was then put and agreed to.

Clause 37.

The question that clause 37 do stand part of the Bill was then put and agreed to.

Clause 38.

The question that clause 38 do stand part of the Bill was then put and agreed to.

Clause 39.

The question that clause 39 do stand part of the Bill was then put and agreed to.

Clause 40.

Shaik MOHAMAD RAFIQUE: Sir, I beg to move that in clause 40(*2*), line 3, the words "and non-bailable" be omitted. I understand that the Government is going to accept this; if it is so, Sir, I won't speak but, if it

is not, I would like to convince the Hon'ble Minister that these words are at all not necessary. The Bill contemplates that the landlords who take salami should be prosecuted and this has been made a cognisable offence. So, Sir, we do not mind it and we agree that if any landlord takes any salami he should be suitably punished in a court of law but, Sir, there is no sense in making this offence non-bailable because it is quite possible that a wicked tenant may lodge a false complaint on Saturday evening against a landlord to have taken salami. On that complaint the landlord will be arrested, and that day being a Saturday the next day being Sunday the landlord will have no opportunity to run to the court to get a bail. The thana officers will not be competent enough to let him out on bail because it has been specially provided that this offence will be non-bailable. The result is that he will rot in jail for two days. On Monday when he goes to the court he will get a bail. Quite possibly after the case is proceeded with it is found that the landlord was not guilty. No punishment has been provided for such tenant. He will go scot-free and the landlord will have to undergo all this humiliation. I hope, Sir, the Minister in charge will accept this amendment.

Sri HEMANTA KUMAR BASU: I move that in clause 40(2), line 3, for the word "non-bailable" the word "bailable" be substituted.

The Hon'ble Sri BIMAL CHANDRA SINHA: Mr. Rafique was, as usual, wrong in assuming that the Government will accept his amendment and I very strongly oppose his amendment because it is not properly worded but I accept the amendment of Mr. Hemanta Kumar Basu.

Mr. SPEAKER: Are you then withdrawing your amendment, Mr. Rafique?

Shaik MOHAMAD RAFIQUE: Yes, Sir, I am withdrawing my amendment.

Mr. SPEAKER: Is there any objection to Shaik Mohamad Rafique withdrawing his amendment?

(There being no objection the amendment was by leave of the House withdrawn.)

The amendment of Sri Hemanta Kumar Basu that in clause 40(2), line 3, for the word "non-bailable" the word "bailable" be substituted was put and agreed to.

The question that clause 40 as amended do stand part of the Bill was then put and agreed to.

Clause 41.

The question that clause 41 do stand part of the Bill was then put and agreed to.

Clause 42.

The question that clause 42 do stand part of the Bill was then put and agreed to.

Clause 43.

The question that clause 43 do stand part of the Bill was then put and agreed to.

Clause 44.

The question that clause 44 do stand part of the Bill was then put and agreed to.

Clause 45.

The question that clause 45 do stand part of the Bill was then put and agreed to.

Clause 46.

The question that clause 46 do stand part of the Bill was then put and agreed to.

Clause 47.

The question that clause 47 do stand part of the Bill was then put and agreed to.

Adjournment.

The House was then adjourned at 5-25 p.m. till 3-30 p.m. on Thursday, the 23rd September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 23rd September, 1948, at 3-30 p.m.

PRESENT:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 56 Members.

STARRED QUESTION

(to which oral answer was given)

Issue and renewal of licences for fire-arms.

*20. **Sri ANNADA PRASAD CHOWDHURY:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) the names of the applicants for the issue and renewal of licences for possession of (i) guns or rifles, (ii) revolvers or pistols, district by district, in West Bengal during the period from the 16th August, 1947, to the 31st January, 1948;

(b) the names of those whose applications for renewal or new issue of such licences were granted;

(c) the principle, if any, followed in the determination of the eligibility for the possession of such licences;

(d) whether the police report regarding the political views or activities of the applicants before the 15th August, 1947, is one of the considerations for determining such eligibility;

(e) whether the contribution made or proposed to be made by the applicants to any fund approved by the issuing authority, if any, is one of the criteria for ascertaining the eligibility; and

(f) whether Government have issued or propose to issue any comprehensive instructions to the issuing authorities regarding the grant of licence for fire-arms?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Sri Kiran Sankar Roy): (a) and (b) Government consider that the time and labour required in collecting information on these points will be out of proportion to the result. Besides, it would not be in the public interest to disclose that information.

(c) The grant of licences is governed by the broad principle that arms and ammunition must not be allowed to fall into the hands of lawless people and for this purpose factors such as genuine necessity, status, character, fitness for the use of fire-arms, reliability of the applicant and absence of any risk of misuse or negligent loss of weapon are taken into consideration. I may also add to this that so far as issuing of licences of guns is concerned we have been very liberal; so far as revolvers are concerned, we have been rather cautious.

(d) Police reports on the political views and activities of an individual prior to the 15th August, 1947, are no considerations for determining his eligibility for a licence unless these views and activities are considered

prejudicial to the interests and safety of the Indian Union under existing conditions and of the maintenance of law and order. Steps are being taken to supersede certain instructions issued by previous Governments which are inconsistent with the present policy of Government.

(*e*) No.

(*f*) There are existing instructions. Government are also considering the issue of fresh instructions to all licensing authorities regarding their present policy about the grant of licences for fire-arms.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if the licences of ·38 bore revolvers are being cancelled?

The Hon'ble Sri KIRAN SANKAR ROY: I want notice.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state whether there have been more cancellation of gun licences of Muslims than it used to be in previous years?

The Hon'ble Sri KIRAN SANKAR ROY: I cannot answer in detail, but no gun licence has been cancelled simply because the holder was a Muslim.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state what is exactly the definition of "lawless people"?

The Hon'ble Sri KIRAN SANKAR ROY: People who are likely to take to violence.

Sri JYOTI BASU: With regard to the last answer, how is the Government to know from the names and other details of the applicants as to whether they are likely in future to resort to violence?

The Hon'ble Sri KIRAN SANKAR ROY: Nobody can say about the future, but the past record of every applicant is scrutinised before the license is issued.

Janab MD. KHUDA BUKHSH: With reference to answer (*f*), namely, "Government are also considering the issue of fresh instructions to all licensing authorities regarding their policy about the grant of licences for fire-arms", will the Hon'ble Minister be pleased to indicate the trend of the present policy?

The Hon'ble Sri KIRAN SANKAR ROY: It is difficult to give a general reply, but as I have stated we have given verbal instructions to the Magistrates in three conferences to be liberal about issuing gun licences but about revolvers we have asked them to be cautious. We have asked them not to be too strict about income-tax and other things. We would like the people to have guns if that does not go against the interest of the State.

Sri PRAMATHA NATH BANDYOPADHYA: মাননীয় মন্ত্রীমহাশয় কি মনে করেন যে এই সমস্ত বন্দুকের লাইসেন্স আগে যেমন দেওয়া হ'ত, তার চেয়ে বেশী পরিমাণ দেওয়া উচিত?

The Hon'ble Sri KIRAN SANKAR ROY: বন্দুকের লাইসেন্স আগে যে কারণে দেওয়া হ'তনা, আমরা সেটা ঠিক মনে করি না। কেননা gun সম্বন্ধে অর্থাৎ বন্দুক সম্বন্ধে আমরা liberal হওয়া উচিত বিবেচনা করি।

Sri PRAMATHA NATH BANDYOPADHYA: মাননীয় মন্ত্রী মহাশয় (*c*) প্রশ্নের উত্তরে বলেছেন যে এই রকম যে সমস্ত লোক lawless হবে না যাদের genuine necessity, status, character etc. নাই তাদের দেওয়া হবে না, এটা স্থির করে দেবেন কে?

The Hon'ble Sri KIRAN SANKAR ROY: [illegible] স্থির করেন। প্রথমতঃ [illegible] ব্যক্তিটেই স্থির করেন। তারপর যদি applicant ইচ্ছা করেন, আমাদের কাছে আসেন।

Janab MD. KHUDA BUKHSH: Arising out of the Hon'ble Minister's answer that Government is liberal in issuing licences of guns, is the Hon'ble Minister aware that guns are not available in the market?

The Hon'ble Sri KIRAN SANKAR ROY: I am aware of it.

Janab MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state what steps he has taken to see that more guns are available in Calcutta?

The Hon'ble Sri KIRAN SANKAR ROY: I am afraid, the Government cannot do anything in the matter.

GOVERNMENT BILLS.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, 1948.

Clause 11.

The Hon'ble Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I must first offer my gratitude to you for having drawn the attention of Government to an anomaly so far as the drafting of this clause is concerned. I have examined the clause, and I may declare that it is not the intention of Government to set at naught the contract which may have permitted tenants to let out premises to sub-tenants. The only provision is in sub-section (*1*). In accordance with that view and in order to clear the anomaly, I understand a short-notice amendment has been tabled by the Chief Whip, and if he moves the amendment, I shall be prepared to accept it

Sri D. N. MUKHERJI: Sir, I beg to move that in sub-paragraph (*c*) of paragraph (*b*) of the proviso to sub-clause (*1*) of clause 11, in line 3, after the words "of the premises" the words "in the absence of a contract or other authority in writing expressly permitting such subletting or transfer" be added.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept the amendment.

The motion of Sri D. N. Mukherji was then put and agreed to

Mrs. E. M. RICKETTS: Mr. Speaker, Sir, may I have the permission of the House to draw the attention of the Hon'ble Minister to the fact that, since in practice lawful subletting does not exist, a considerable portion of clause 11 is not worth the paper on which it is written The new Bill professes to give rights and privileges to tenants and sub-tenants, but whilst concerning itself with safeguarding the rights of landlords it entirely overlooks the fact that tenants of the first degree, on account of the tyranny of their landlords, are obliged to pay rents for larger premises than they actually need, if, as frequently happens, on account of marriage or exigencies of employment, the number of members in a household decreases. Evidently, as landlords are much more farsighted than legislators or possibly because many landlords are legislators, it has been the practice for many years now that clause specifically prohibiting subletting is an intrinsic condition of every lease.

It is true that the new Bill gives relief to a certain class of pre-war tenants who obtained possession of their houses or flats before the rapacity of landlords had reached its present stage and these lucky individuals will soon be able to sub-let for a period not exceeding a total of six consecutive months without the preliminary of imploring the permission of His Excellency the Bariwalla, but as these fortunates are few and far between, I consider that it is a misrepresentation of actual facts to continually repeat

the slogan that the new Bill is designed to recognise the rights of the sub-tenant and protect him from his co-sufferer, the mis-judged tenant of the first degree. In Calcutta at the moment, there are many people who would prefer to put themselves to inconvenience by sub-letting, for the actual rent, portions of their premises, in order to assist in the balancing of the increasing household budget, but Government choose to judge all tenants of the first degree as profiteers and middle-men. This Bill seems determined to ensure that the monopoly of surreptitious extortion should remain with capitalists. I am sure that no one—not even the landlord—is deceived by the stringent measures which appear to threaten all demanders or receivers of salami. I am not aware, of course, if Sheikh Md Rafique is a landlord, or if his electorate consists mainly of the landed gentry, because he seems particularly concerned about the possibility of spending a day or two in jail on account of the spite of a tenant. I quite understand this fear because as a tenant and a representative of a community of tenants, I consider that it would be worth all the trials and tribulations of my work as an M.L.A. if I could assist in any way in evening up the balance by slightly inconveniencing even a single landlord. When all redress has to be sought through a court, the advantage must of necessity go to the wealthier and the more leisured contestant. I maintain, therefore, that if Government is sincere in its desire to help the small man and to assist in relieving the existing shortage of housing accommodation, it should request Sri J. C. Gupta to move as a short-notice amendment—amendment No. 13—not moved by Sri Hemanta Kumar Basu—that in clause 11(*d*), line 2, the word "lawfully" be omitted.

The Hon'ble Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I regret very much that in spite of the arguments made out by Mrs. Ricketts, I am unable to accept her point of view for the simple reason that the Bill tries to provide relief to the sub-tenants as far as possible and I have tried to make this point clear in my speech made in this House yesterday. I may tell the House that the Government are alive to the problems mentioned by Mrs. Ricketts. I know that there are many cases of families who have been compelled to augment their income by introducing in their homes paying guests and others, but, Sir, having regard to the fact that legislations are made in general terms and cannot touch each individual case in particular, I think, Sir, provisions of this Bill give, as much as it is possible to do under the law, relief to the largest possible community.

Sir, she has said that all the trials and tribulations of an M.L.A. would be worthwhile if she can do justice to the sub-tenants, even slightly inconveniencing the landlords. Sir, if you go through the Bill you will find that the dice is heavily loaded against the landlord. For instance, in the case of offences where the landlords have been given penalties, for similar offences tenants have been imposed no penalties and I think, Sir, that the present Bill is a fair and just Bill and tries to serve the purpose for which this Bill has been framed. I realise the difficulties that Mrs. Ricketts, has mentioned particularly in relation to certain classes but I think, Sir, those individual cases if they are very numerous, will be dealt with, if necessary, by a change in the law if they are brought to the notice of the Government and if Government find that there is a very substantial section who are not covered by this law.

The question that clause 11, as amended, do stand part of the Bill was then put and agreed to.

Schedule, Part A.

Shaik MOHAMAD RAFIQUE: Sir, I beg to move that in Schedule, Part A, after item 3(*d*) the following items be added, namely:—

(*c*) 50 per cent. if the basic rent per mensem is more than Rs. 500,

(*d*) 75 per cent. if the basic rent per mensem is more than Rs. 1,000.

Sir, as a matter of fact the relief which this Bill intends to give should in fact be given to the poorer classes of society who cannot afford to pay in these days of inflatory prices. Yesterday I pointedly mentioned that the people who deserve our sympathy are those who are either in the Government service or are serving as clerks in other firms and concern and who cannot make big money like the merchants or manufacturers in the business. Their income is limited and it is those people who should be given protection under the Rent Bill if protection is to be given at all. That is why I suggested that no increase in rent should be allowed in case where the rent does not exceed Rs. 100, but, Sir, I see no reason why the bankers, the big manufacturers, the big merchants who are paying Rs 1,000 or Rs. 2,000 and are minting money both by fair and unfair means in business should be given protection by a measure which is intended to protect the poor. These people can afford to pay. If it is intended to give protection to the rich in the name of the poor then I have nothing to say. It is an irony of fate that rich gets richer and a poor man poorer It is to remove this misunderstanding that I move 50 per cent. in case of rent which exceeds Rs 500 and 75 per cent where it exceeds Rs. 1,000.

I fear that the Hon'ble Minister perhaps thinks that the Government of West Bengal and the Government of India will have to pay a very big sum because they are occupying big palatial buildings at rentals which exceed Rs. 500 and Rs. 1,000 and for that reason may not accept my amendment to give protection to the Government of which he is a Minister, I think. Sir, it is fair and just that the landlords who are very badly off,—for this Bill practically gives no protection to the landlord and at the same time penalises him if he takes any *salami*,—should be given some relief so far as the higher rents are concerned. I think the Hon'ble Minister will accept this amendment of mine which is very fair and just.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, Shaik Rafique has said that he sees no reason why the tenants who are using premises for business purposes should not pay an increase of 50 per cent. if the rent per mensem is more than Rs 500 or 75 per cent. if the basic rent per mensem is more than Rs. 1,000. I must say, Sir, that when he signed the report of the Select Committee, he at least saw no such reasons Now, Sir, prices have gone up much and, he says, people are making black market money, and there is no reason why the landlord should not get a share of it. Sir, I am unable to accept that logic, and I, therefore, oppose the amendment.

The motion of Shaik Mohamad Rafique that in the Schedule, Part A, after item 3(*d*), the following items be added, namely:—

(*e*) 50 per cent. if the basic rent per mensem is more than Rs. 500,

(*f*) 75 per cent. if the basic rent per mensem is more than Rs. 1,000.

was then put and lost

The question that Schedule, Part A, do stand part of the Bill was then put and agreed to

Schedule, Part B

The question that Schedule, Part B, do stand part of the Bill was then put and agreed to.

Preamble

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to move that the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1948, as settled in the Assembly, be passed.

Mrs. E. M. RICKETTS: Mr. Speaker, Sir, in rising to speak on the West Bengal Premises Rent Control Bill, I would like to make it clear that I do believe that Government has endeavoured to relieve somewhat certain existing evils of which it is aware. But in the humble opinion of the representative of a very small and insignificant minority it seems that even this omniscient Government is occasionally guilty of omissions. To a community whose main political interests lie in the field of social and economic legislation, house rent is a major problem, and even though during the last budget session we drew the notice of the Government to the omission of any member of our Group from the Select Committee to which the earlier Bill was originally referred, yet at the time of re-drafting no attempt was made to remedy this grave omission. Possibly this is explained by the reshuffling of the Cabinet and the Congress Assembly Party, but it is an unkind fate which penalises the lowly for the instability of the mighty. I realise that mine is an eleventh hour attempt to halt a measure which for all practical purposes has already been judged and decided. Yet from the slight knowledge I have of the Hon'ble Minister in charge of this Bill I harbour a forlorn hope that if I am able to convince him that certain lacunae exist he will, at the earliest opportunity, take the necessary steps to introduce remedial measures.

My main objection to the Bill is that I consider a further increase of the standard rent is unjustified, because even at the present rate, and admitting a decrease of 50 per cent. in a landlord's net income, he still receives a much higher return on his capital than do all others who draw interest from safe investments. I am sure I do not need to remind the members of this House that even the rates of interest on Savings Bank accounts is at 1/3 the pre-war level. Why then should a specific attempt be made to keep a landlord's net income at its customarily inflated level?

Every landlord knows very well that his tenant, being bound to fixed hours of work, and having vastly smaller resources than his own, will—not because of laziness but because of the exigencies of circumstances—pay out as much as he can possibly afford, in keeping his home habitable, rather than involve himself in legal proceedings, which will necessitate the briefing of a paid representative. Hence the landlord smiles at legislation enforcing repairs and the maintenance of sanitary conditions. He knows it will not affect the profits accruing from enhanced rents nor the *salami*, which circumstances have made his essential perquisite and which he knows so well how to extract without getting caught.

Apart from these questions of enhanced rents and *salami*, however, surely the Government is not unaware that it is also the custom for landlord to increase the income derivable from property by forcibly taking possession of, for building purposes, every available square inch of compound which the misguided occupier of a house believed was included in his tenancy. As a result, the unfortunate brood of tenants in lower flats are rapidly being immured by the erection of luxury shops between their bed-room windows and the road. Of course, building material in ample supply is available in order to help the poor landlord to rows of shops for each of which he can confidently demand much higher rents than he is receiving from the unconsidered, even if inoffensive, residential tenants. Of course I must not omit to mention that the lower flat tenants are not the only sufferers in this help-the-landlord scheme because the occupiers of upper storeys in these once salubrious localities are no longer able to keep their windows open at night, because the roofs of the shops make such a convenient stepping-off place for burglars. It is of course unthinkable that in a climate like ours landlord should be obliged to protect windows with expanded metal screens. That is the business of the tenant, if he is foolish enough to want fresh air.

Another lawful means by which the landlords are increasing their incomes without the help of Government is by letting residential premises

to firms or consulates who are perfectly willing to pay considerably enhanced rents without any risks of petty annoyance of threats of reference to the Rent Controller. If Government is concerned about the shortage of housing accommodation let it distinguish between *bona fide* residential purposes and offices. In the same way flats which used to be occupied by middleclass families at a rental of approximately Rs. 225 are now reserved by landlords for foreigners who recently have taken up residence in Calcutta for consular or business purposes. These individuals are only too pleased to pay Rs. 350 without question specially as, since they are away from their own homes, their rents are amply covered by special allowances. If present conditions necessitate the presence of large number of foreigners in our city why cannot Government requisition even one of the palatial clubs in Chowringhee or similar localities and place it at the convenience of consular service and their staffs. Given the will, the question of accommodating displaced residential members in other clubs, could surely be worked out. I have spoken at some length on this point because the extortions of landlord and the house rent question vitally affect the economy of the middleclass of all communities and it seems to me that the majority of the representatives in this House represent either the very rich or very poor and they are not much concerned over the matter under discussion. On behalf of all communities, however, and particularly from the point of view of the harassed housewife whose concern it is to see that her home is clean and healthy, that the lift is working when her husband comes home from work, and the most important of all, that the house rent does not swallow the entire house-keeping budget. I appeal to the Hon'ble Minister who on his own admission is already aware of the shortcomings of this Bill, to go into this matter more thoroughly with a 100 per cent. representative committee.

Sri CHARU CHANDRA BHANDARY : মাননীয় স্পীকার মহাশয়, আমি এই প্রস্তাব সমর্থন করছি এবং এটা সমর্থন করতে গিয়ে এই বিলে যে সমস্ত বিধান আছে, তার মধ্যে একটা প্রয়োজনীয় বিধান সম্পর্কে আমি মাননীয় মন্ত্রী মহাশয়ের দৃষ্টি আকর্ষণ করতে চাই। আমি মনে করি যে বিলে যে সব বিধান আছে, তার মধ্যে উপভাড়াটিয়ার যে স্বার্থরক্ষা, এটা সবচেয়ে বড় প্রয়োজনীয় বিষয়। এবং খুবই আনন্দের কথা কাল মন্ত্রী মহাশয় এই বিল আলোচনা প্রসঙ্গে প্রস্তাব উত্থাপন করে যে বক্তৃতা করেছেন, তাতে তিনি যা বলেছেন, তাতে এই উপভাড়াটিয়াদের সম্বন্ধে এত বড় একটা বিষয়ের কথাই বলেছেন। তাতে তিনি বলেছেন যে "tenant will be able to sub-let or otherwise transfer his interest in the premises for a period not exceeding six months and to the extent of the minor portion of the premises. If he sub-lets either the whole or a major portion of the premises for a period exceeding six months he was liable to be evicted and the sub-tenants would take his place" অর্থাৎ তিনি বলেছেন যে এই আইনে বিধান আছে যে ভাড়াটিয়ার ক্ষমতা আছে--৬ মাস পর্যন্ত এবং তাঁর বাড়ীর অল্পাংশ তিনি বিলি করতে পারবেন কিন্তু তিনি যদি ৬ মাসের অতিরিক্ত সময়ের জন্য তাঁর বাড়ীর অধিকাংশ বিলি করেন, তাহলে সেই কারণে তার উচ্ছেদ হতে পারবে এবং সে যদি উচ্ছেদ হয়, তবে সেই জায়গায় উপ-ভাড়াটিয়া যে থাকবে, সেই ব্যক্তি মূল মালিকের অধীনে ভাড়াটিয়া হবে। এটা যদি হয় খুবই ভাল কথা। ভাড়াটিয়া যেখানে বে-আইনিভাবে অর্থাৎ আইনে যে বিধান আছে, সেই বিধান না মেনে, উপভাড়াটিয়াকে সেখানে বিলি করছে সেখানে এই উপভাড়াটিয়াকে রাখার বিধান—এটা খুবই ভাল কথা এবং মন্ত্রী মহাশয়ের যে উদ্দেশ্য, সেটা খুবই সদুদ্দেশ্য সন্দেহ নেই। কিন্তু ১১ clauseএ যে বিধান আছে, তার Bতে বলা হয়েছে যে ৬ মাসের অতিরিক্ত সময়ের জন্য এবং বাড়ীর অর্দ্ধেকের বেশী বিলি করতে পারবে না এবং ১১র ৩ sub-clauseএ বলা হয়েছে যে এই আইনের আওতায় আসার পরক্ষণেই degreeর যে tenant সে নীচের কোন tenantকে বিলি করতে পারবে না মালিকের লিখিত অনুমতি ছাড়া। এবং এ সত্ত্বেও যদি এ কথা বলা হয় যে ৬ মাসের অতিরিক্ত সময়ের জন্য এবং অর্দ্ধেকের বেশী অংশ যেখানে বিলি হয়েছে, সেখানে সেই উপভাড়াটিয়ার স্বার্থ রক্ষা করা হবে--সেটা খুবই ভাল কথা কিন্তু আইনের 8 clauseএ যা আছে "any person to whom any premises or any part thereof have been or has been lawfully sub-let" এই "lawfully" কথাটার দ্বারা, আমার মনে হয়, মন্ত্রী মহাশয়ের যে উদ্দেশ্য, আদালতে সেই উদ্দেশ্য পরিগৃহীত হবে

কি না, তার যথেষ্ট সন্দেহ আছে। আমি মাত্র আমার সন্দেহ ও আশঙ্কার কথাই ব্যক্ত করছি এবং আমার মনে হয় যে এই বিল সর্বাঙ্গসুন্দর হত, যদি এই জিনিষটা যা মন্ত্রী মহাশয় বলেছেন—সেটা স্পষ্ট ভাষায় লেখা থাকত। সে যাহোক এখন যদি এই বিল কার্য্যকরী হতে গিয়ে কোন রকমের গোলমালের উদ্ভব হয়—আমি আশা করি, আমার এই সন্দেহ অমূলক হবে—কিন্তু যদি অমূলক না হয় এবং কোন গোলমালের উদ্ভব হয়, তখন আমি আশা করি ও অনুরোধ করব, মন্ত্রী মহাশয় তখন অতি শীঘ্র আর একটা সংশোধনী আইন এনে এই বিষয়ের সংশোধন করে নেবেন। Lawfully কথাটা থাকায় এই যে গোলমালের আশঙ্কা—এই যে আইনে বিধান আছে যে ভাড়াটিয়ারা tenantকে sub-let করতে পারবে না—বিশেষ বিশেষ ক্ষেত্রে এর দ্বারা উপভাড়াটিয়াদের যাতে উৎখাৎ বা ক্ষতির সম্ভাবনা না হতে পারে সেই জন্যই আমার এই অনুরোধ যে প্রয়োজন হলে মন্ত্রী মহাশয় যেন একটা সংশোধনী আইন করে এ জিনিষটা ঠিক করে নেন। কারণ পূর্ব বঙ্গের বহু লোক বর্ত্তমানে এখানে আশ্রয়প্রার্থী হিসাবে আছেন। তাঁরা সম্প্রতি নানাস্থানে বাড়ির অংশ ভাড়া নিয়ে আছেন—তাঁদের মধ্যে এইরূপ উপভাড়াটিয়া বহু বলতে পারেন যাঁরা ছ মাসের অধিক কালের বাড়ীর অধিকাংশ উপ-ভাড়া নিয়েছেন। তাঁদের যাতে অসুবিধা না হয় এবং তাঁদের যাতে displaced হতে না হয়, সেই জন্যই আমি দরকার হলে একটা সংশোধনী বিল আনয়নের কথা এখানে উল্লেখ করছি।

এই কথা বলে আমি এই প্রস্তাব সমর্থন করছি।

Shaik MOHAMAD RAFIQUE: Sir, I rise to congratulate the Hon'ble Minister on the splendid manner in which he has piloted this Bill. Sir, this Bill had in the last session become very controversial and the credit must go to the Hon'ble Minister who, by his tactful manner, has silenced opposition even from members of his party who had tabled some useful amendments. Mrs. Ricketts has suggested that it has given relief to the landlord. The only relief that has been given to the landlord is the *salami* which he was precluded from realising before but which he will now be sharing with the tenant of the first degree. I think, Sir, this amendment has been made because the Hon'ble Minister feels that time has come when some socialist principles should be introduced. The *salami* will now have to be shared between the tenant and the landlord who will feel gratified to receive something but the sub-tenant will have to pay all the same. Though penalty clauses have been inserted so far as the landlords are concerned, nothing has been done so far as the tenants are concerned. Sir, all tenants are not good as all landlords are not good, and there are some tenants who give trouble to the landlords. If there had been a penal clause against them, the landlords could have felt that justice had been done to their case. The Bill provides that though the tenants will now be protected by legislation to have direct connection of electric light, the landlord who will get an increase of 6¼ per cent. over his rent shall have to spend one-twelfth of his annual rent on repair. The tenant can force the landlord to spend that amount which comes to 8¼ per cent. So the landlord will be losing 2 per cent on his annual rent. On the other hand the landlord, of course, will feel gratified that he is now assured of getting his rent regularly. Sir, many hundreds of cases are pending in the courts of law where the tenants have not been depositing their rents and the cases are adjourned from month to month. At least this Bill gives protection to the landlord in that respect and it is hoped that he will get his rent regularly. If the rent is not paid for three consecutive months, the landlord will have the right to evict the tenant. No doubt, here also the landlord will lose two months' rent. Sir, at least some sort of compensation should have been provided in the Bill. The landlord has been precluded from getting the *salami*, and if the tenant goes away, without paying four months' rent, he will be losing three months' rent, after adjusting one month deposit. This procedure also gives relief to the tenant. I think that this Bill which might give relief to the tenants will not give relief to the people of this province. We require more houses and relaxation of building rules. We want a flexible policy so far as the Civil Supply Department is concerned in the issue of building materials. Let the Government give building materials to *bona fide* building societies or companies, and at the same time I think Government should construct houses for workmen and middle-class people and let

them out at reasonable rent. That is the only practical way as to how you can bring down rents and do away with shortage of houses. Mrs. Ricketts was complaining against the payment of fabulous rents by the Consular services. I hope nobody will sympathise with her. Our sympathy goes to the man who pays rent of Rs. 100 and below. People who can pay Rs. 500 and above do not deserve any sympathy from anybody. If they can afford to pay Rs. 500 a month, they can as well pay a *salami* and Rs. 750 a month. It is the poorer classes of people who should be protected. So far as the extending of balcony or platform over shops is concerned, I think her remedy lies with the Calcutta Corporation who should see that the plans are so prepared that they do not attract attention of burglars and others. Sir, I feel that the Government, at least the Leader of this House, should give us some sort of assurance that Government will be considering some sort of scheme whereby more houses will be constructed for workmen and middle-class people. Once this is done, rent will go down. People who are paying over Rs. 1,000 do not deserve any sympathy from any quarter. They can afford to pay high rent and it was unjust to give them protection under the law. The only remedy to stop the rise of price is to build more houses and give help to companies which intend to develop land by constructing houses.

Sri HEMANTA KUMAR BOSE : স্পীকার মহোদয়, কংগ্রেসের হাতে ভারতবর্ষের শাসনযন্ত্র আসবার পরই এমন সমস্যার উদ্ভব হয়েছে যাতে কোরে যাঁরা কতকটা বিত্তশালী তাঁরা যাদের বিত্তের অভাব তাদের দিকে দৃষ্টি না দিয়ে কিভাবে নিজেদের বিত্ত আরও বাড়াতে পারেন সেই ব্যাপার নিয়েই চেষ্টা করেছেন। আমাদের এখানে বাড়ীওয়ালা, ভাড়াটিয়া ও উপভাড়াটিয়ার সমস্যা এমন প্রবল হয়ে উঠেছে যে এ নিয়ে আমাদের গভর্ণমেণ্টকে এবং প্রতিনিধিদের বিশেষভাবে ব্যতিব্যস্ত হয়ে পড়তে হয়েছিল। যে সমস্যার উদ্ভব হয়েছে তার প্রতিকারকল্পে মন্ত্রিসভা এবং ভারপ্রাপ্ত মন্ত্রী মহোদয় বিশেষ করে ভাবতে লাগলেন, কি করে সমস্যাটির সমাধান হয় এবং আমাদের এখানে যাতে সমীচীন একটা আইন প্রণয়ন হয় সেই চেষ্টা করতে লাগলেন। তার পরে এই আইন বিধিবদ্ধ হলো। কিন্তু যেমন কোন মানুষ সম্পূর্ণ নয়, মানুষের কাজও সেইরকম সম্পূর্ণ নয়। কাজেই এই আইনের মধ্যেও কিছু গলদ যদি থাকে সেটা স্বাভাবিক। কিন্তু যতদূর সম্ভব এটাকে নির্ভুল করবার চেষ্টা করা হয়েছে।

এখানে বাড়ীওয়ালাদের কত ভাড়া দিতে হবে, তার বিশেষ কোন হার নির্ণয় করা ছিল না। অন্ততঃ, গত দু বৎসরের মধ্যে যেভাবে বাড়ীওয়ালারা বাড়ী ভাড়ার পরিমাণ বাড়িয়ে দিয়েছে তাতে আমার মনে হয় বিলে যে হার ধরা হয়েছে অনেক ক্ষেত্রে তার যথেচ্ছা প্রয়োজন অনুভূত হবে। Rent Court এ সেই সমস্ত বাড়ীওয়ালার ভাড়াটেরা যদি ভাড়ার হার কমাবার জন্য আবেদন করে তাহলে আমার মনে হয় বাড়ীওয়ালাদের যে হারে ভাড়া বাড়াবার সুযোগ দেয়া হয়েছে, সে হারে বৃদ্ধি ধরেও ভাড়ার হার অনেক ক্ষেত্রেই কমে যাবে। (A VOICE FROM THE OPPOSITION BENCHES: আশা করি সেই রকম হবে।) ভাড়ার হার নির্দিষ্ট হওয়ায় ভাড়াটিয়া ও উপভাড়াটিয়ারা অনেকটা নিশ্চিন্ত হবেন। কারণ বাড়ীওয়ালারা আর যখন তখন ইচ্ছানুযায়ী ভাড়ার পরিমাণ বাড়াতে পারবে না।

যদিও আমরা চাই, কংগ্রেস চায় প্রত্যেক মানুষের নিজের থাকবার ঘর, বাসস্থান থাকবে, কিন্তু যতদিন পর্য্যন্ত তা না হয়, ততদিন পর্য্যন্ত বর্ত্তমান সমাজ-ব্যবস্থা পরিবর্ত্তন না হওয়া পর্য্যন্ত প্রত্যেক লোকের থাকবার স্থান যাতে পাওয়া যায়, যাতে বাড়ীওয়ালারা অসীমতন ভাড়াটিয়াদের তুলে না দিতে পারে সেই অনুসারে এই বিলে আইন বিধিবদ্ধ হয়েছে। আমি বেশী কিছু বলতে চাই না। কাজেই যে অবস্থা চলছিল সেই অবস্থার সমাধানকল্পে এই বিলটা আনা হয়েছে। আমি মনে করি যে বাড়ীওয়ালা এবং ভাড়াটিয়া প্রত্যেকেই এই বিলটা সানন্দে গ্রহণ করবেন। আমি আরও মনে করি যে বাড়ীওয়ালা, ভাড়াটিয়া এবং উপভাড়াটিয়া পরস্পরে মিলে এই আইনের মধ্যে যদি কোন ত্রুটি থাকে সেই ত্রুটির কোন সুবিধা না নিয়ে বাস্তবিকভাবে যদি এই আইনমত কাজ করেন এবং সমাজের শান্তি রক্ষা করেন তাহলে এই বিল সম্পূর্ণ সার্থক হবে। যে আইনই করা হউক, এবং সে যত ভালই হউক, যদি তা সমাজের সমর্থন না পায় তবে তা কখনও কার্য্যকরী হতে পারে না।

আমি আশা করি বর্ত্তমান অবস্থায় এই বিলটা সকলেরই সমর্থন পাবে।

The Hon'ble Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I would not try to touch on each point that has been made out in course of the

speeches made by members from different sections of the House but I would touch only on the salient points that were raised in the course of this debate.

Sir, Mrs. Ricketts has made a grievance that no member from her community was on the Select Committee. Sir, I do not know what was the reason that no member on the Select Committee was taken then but I may assure her that if she has any suggestion to make, if she can convince me of any lacunæ in the present Bill, it will not require members to be on the Select Committee for me to take action in remedying those lacunæ.

Sir, secondly she has said that there are occasions when the landlords take forcible possession of the upper storeys and thereby evict the tenants who occupy the lower storeys. Sir, these individual cases cannot be treated in the body of the law. It has been entrusted to the Rent Controller to judge whether a requirement of the landlord for building or rebuilding purposes is a *bona fide* one and each individual case shall, I hope, be judged on its merits by the Rent Controller who under the provisions of this Bill will no longer be a member of the executive branch of the service but an experienced member belonging to the judicial branch of the provincial service of not less than 10 years' standing. With such a responsible man at the head of affairs I do hope that the cases will be judged on their own merits and there will be no grounds for complaints that landlords are getting possession of their houses on the ground of *bona fide* requirement whereas it is not really *bona fide*.

Sir, she has lastly made a complaint that residential houses are being let out to firms and foreign Consuls who are in a position to pay much higher rent. Sir, I may tell the House only one instance that will show that even poor Consuls who are entitled to facilities and sympathies from this Government and courtesies, even they are not faced with very great difficulties. Sir, I might mention that in one particular case one landlord was advertising to let out a house at an exorbitant rent. That advertisement came out in leading newspapers including the "Statesman". Sir, the Consul of a foreign country went to the landlord to take out the premises on hire. When he went there the landlord charged exorbitant rent so much so that the Consul had to come back to us and requested us to get the house requisitioned. When the requisition order was issued the landlord came to the Government and told the Government that the house was required for his own *bona fide* purpose. Government naturally brushed aside the representation and requisitioned the house. Then on the plea of having his furniture removed he moved the Government for giving a few days' time. Well, Government could not understand it was a trap for the Government and the Government gave a few days' time to remove the furniture considering that after all a man must not be hustled out of his house and he must be given sufficient time. What was the result? Before three days were over there came an injunction from the High Court calling upon us to show cause why the requisition order shall not be vacated and the Government is now fighting out the case in the High Court to prove that it is not a *bona fide* residential house. The poor Consul was prepared to pay some higher rent but the greedy landlord would not be satisfied with that. So, Sir, the grievance made out by Mrs. Ricketts, I do not think, really stands.

Next, Sir, I will refer to the point made out by Sj. Bhandari. He has referred to the statement that I made in the House yesterday, but I think he has slightly misunderstood the point that I made. My object was that these sub-tenants will certainly be tenants where the interests of the tenants have been determined. But sub-tenants will become tenants certainly in accordance with the provisions of this law.

He has referred to the clause which contains the word "lawful". I hold that the trespasser who has got into a household should get no protection from law. He has misunderstood the provisions of clause 11 when he said

that where the tenant has sublet for more than six months and to the extent either of the whole or a major portion of the premises, in that case the sub-tenant should be automatically evicted. I think, Sir, he has misunderstood this point inasmuch as this provision will apply from the date of the commencement of the Act and the sub-tenants who are lawfully sub-tenants before the commencement of the Act, they really will now continue to remain sub-tenants in accordance with the provisions of this law. What was the position before the commencement of the Act? The position generally was that where there was a contract expressly prohibiting sub-letting in the premises and if there has been sub-letting in such a case, there the sub-tenant has no right. He has no right because he is not a lawful sub-tenant That provision still exists and that position also existed in previous ordinances. Therefore, Sir, that will not make any difference in those cases where there was no contract and there was no written prohibition against sub-letting. There the sub-tenant is a lawful sub-tenant. In that case this provision shall not apply because on this date the sub-tenants are lawful sub-tenants and all the provisions made for securing the rights and privileges of sub-tenants under this law will apply to all such lawful sub-tenants.

Lastly, I would refer to the speech made by Shaik Md. Rafique and must thank him for the compliments he has paid me and I do hope and feel that that side of the House headed by Mr. Rafique will co-operate with Government in seeing to it that justice is secured to those who specially deserve justice and not merely say that the landlords have been penalised by this Bill.

The motion of the Hon'ble Sri Bimal Chandra Sinha that the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1948, as settled in the Assembly, be passed, was then put and agreed to.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

The West Bengal Land-Revenue, Rent and (Apportionment) Bill, 1948.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to introduce the West Bengal Land-revenue, Rent and Cess (Apportionment) Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to move that the West Bengal Land-revenue, Rent and Cess (Apportionment) Bill, 1948, be taken into consideration

Sir, the object of this Bill has been stated very clearly in the Statement of Objects and Reasons. Certain estates, tenures and holdings in the Province of Bengal as existed before the partition are comprised of lands situated as a result of the partition of the Province of Bengal partly in the newly constituted Province of West Bengal and partly in the Province of East Bengal in the Dominion of Pakistan. This has given rise to various complications and we are trying to have an agreement with the Government of East Bengal to adjust our revenues accordingly As we proceed, we find that the problem goes deeper. It is not only the question of apportionment of revenue but also one of splitting up all the rights and interests beginning from the rights and interests of the estate-holders down to the tenants. All these interests and rights require splitting up virtually at every stage. Unless this is done, there are various legal complications and many of the laws cannot be given effect to in regard to those estates, tenures, and tenancies which are comprised in both the Bengals.

Sir, this Bill has been brought forward to split up those interests where they lie in both the Provinces. I may add in this connection that it should

be very helpful if the East Bengal Government also passes a legislation on similar lines. That would, Sir, eliminate complications on the other side of the border in a similar manner. I am also glad to announce in this House that only a few days ago the Government of West Bengal received a letter from the Government of East Bengal whereby they have expressed their willingness to enact a similar piece of legislation and wanted a copy of our Bill. We have sent a copy of our Bill and I sincerely hope that the East Bengal Government will also bring forward a similar legislation, so that there might be no complications either on this side of the border or on the other side.

The motion of the Hon'ble Sri Bimal Chandra Sinha that the West Bengal Land-revenue, Rent and Cess (Apportionment) Bill, 1948, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 9

(*a*) in paragraph (*a*), line 9, after the words "deemed to have been", the words "and to be" be inserted, and in line 11 for the word "and" the words and brackets "(hereinafter referred to as the said date)" be substituted;

(*b*) in paragraph (*b*), in line 5, after the word "been", the words "and to be" be inserted.

The Hon'ble Sri BIMAL CHANDRA SINHA: These are mere changes in certain words. I accept the amendment.

The motion of Sri D. N. Mukherji that in clause 9—

(a) in paragraph (a), line 9, after the words "deemed to have been", the words "and to be" be inserted, and in line 11 for the word "and" the words and brackets "(hereinafter referred to as the said date)" be substituted;

(b) in paragraph (b), in line 5, after the word "been", the words "and to be" be inserted,

was then put and agreed to.

The question that clause 9, as amended, do stand part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to move that the West Bengal Land-revenue, Rent and Cess (Apportionment) Bill, 1948, as settled in the Assembly, be passed.

The motion was then put and agreed to.

Mr. SPEAKER: The House stands adjourned till 3-30 p.m. on Monday, and the business on today's agenda remaining undisposed will be taken on that day.

Adjournment.

The House was then adjourned at 5 p.m. till 3-30 p.m. on Monday, the 27th September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 27th September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble SRI ISWAR DAS JALAN) in the Chair, 12 Hon'ble Ministers and 62 members.

STARRED QUESTIONS

(to which oral answers were given)

Supply of building materials to refugees from Eastern Pakistan settling in Murshidabad district.

*21. **Maharaja SRIS CHANDRA NUNDY, of Cossimbazar:** (*a*) Will the Hon'ble Minister in charge of the Relief and Rehabilitation Department be pleased to state if he is aware that the refugees from Eastern Pakistan desirous of settling in West Bengal, particularly in the district of Murshidabad, are failing to secure building materials, such as corrugated iron sheets, cement, steel, etc., for the construction of their houses?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he has taken or proposes to take to ensure requisite supply of those materials without delay?

(*c*) If the answer to (*a*) is in the negative, is the Hon'ble Minister considering the desirability of enquiring into the matter and taking such steps as would ensure prompt supply?

MINISTER in charge of the RELIEF and REHABILITATION DEPARTMENT (the Hon'ble Sri Nikunja Behari Maiti): (*a*) No. The refugees are getting as much as can be spared. This is admittedly not enough.

(*b*) Does not arise.

(*c*) Due to the acute shortage of the building materials referred to, there is little prospect of increasing the supplies in the near future.

Cash allowance in lieu of rations at subsidised rates to Government servants.

*22. **Janab MD. SAYEED MIA:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if it is a fact—

(*i*) that compensatory cash allowance was sanctioned to Government servants since June, 1947, according to the strength of their families subject to the maximum of four members;

(*ii*) that in calculating the strength of their families, dependent parents, brothers, sisters, etc., have not been taken into consideration; and

(*iii*) that in case of unmarried Government servants who live with dependent parents, brothers, etc., the benefit of house rent allowance which was not previously sanctioned has subsequently been given to them as well since 15th August, 1947?

(*b*) If the answer to (*a*) is in the affirmative, do the Government consider the desirability of sanctioning compensatory cash allowance retrospectively to Government servants taking into consideration their dependent parents, brothers, etc., in the calculation of the strength of their families?

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, may I answer the question on behalf of the Hon'ble Sri Nalini Ranjan Sarker?

Mr. SPEAKER: Yes.

The Hon'ble Dr. BIDHAN CHANDRA ROY (on behalf of the Hon'ble Sri Nalini Ranjan Sarker): (*a*) (*i*) A cash allowance in lieu of rations at concession rates was sanctioned with effect from the 1st June, 1947, to Government servants drawing a pay of Rs. 300 or below. Sliding scales were prescribed dependent on the number of family members, the maxima of the scales being admissible to Government servants with families consisting of four or more members.

(*ii*) With regard to the allowance referred to in the answer to question (*a*) (*i*) "family" meant the Government servant himself, his wife, children and none else.

(*iii*) Yes.

(*b*) The Government do not consider it necessary to modify the terms governing the grant of the cash allowance referred to in the answer to question (*a*)(*i*) above:

Sri JYOTI BASU: With reference to answer (*a*) (*i*) is the Hon'ble Minister aware that according to Indian conception family means besides wife and children, dependent parents, minor brothers and others as well?

The Hon'ble Dr. BIDHAN CHANDRA ROY: For the purpose of granting cash allowance Government have decided that the family should mean the person himself, his wife and children, and none else

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state why has this foreign conception of family been adopted for this particular purpose?

The Hon'ble Dr. BIDHAN CHANDRA ROY: We have made it our own it is no longer foreign now.

Sri JYOTI BASU: With respect to his last answer, will the Hon'ble Minister be pleased to state whether he intends to modify the meaning of the word "family" according to Indian conception in view of the needs of the people of India?

The Hon'ble Dr. BIDHAN CHANDRA ROY: No, Sir. I find that in none of the provinces of Bombay, Madras, United Provinces, and Bihar, nor in the Indian Dominion such cash allowances are being paid It is only in this province that we pay it.

Sri JYOTI BASU: With reference to the last answer, will the Hon'ble Minister be pleased to state whether he will set an example to the rest of India?

The Hon'ble Dr. BIDHAN CHANDRA ROY: If Mr. Basu will give us the money, yes

Janab MD. KHUDA BUKHSH: Arising out of the answer (*a*)(*i*) that "family" meant the Government servant himself, his wife, children and none else, will the Hon'ble Minister be pleased to state why the word "wife" has been used in the singular number? Supposing the Government servant is a Muslim, will it apply to all his wives and children?

The Hon'ble Dr. BIDHAN CHANDRA ROY: Wives can draw lots

Janab MD. KHUDA BUKHSH: Is that a statement of Government policy?

The Hon'ble Dr. BIDHAN CHANDRA ROY: Government only recognises wife and not wives.

Janab MD. KHUDA BUKHSH: I have only mentioned the case of Muslims. But a Hindu may also have more than one wife. So it ought to have been "wives" and not "wife".

Mr. SPEAKER: Order, order. Questions are asked for eliciting information only and not for discussion.

UNSTARRED QUESTION

(answer to which was laid on the table)

Embankment of the Silabati river.

5. Sri ANNADA PRASAD CHOUDHURY: Will the Hon'ble Minister in charge of the Irrigation and Waterways Department be pleased to state—

(*a*) the number of breaches in the embankment of the Silabati river repaired during the last 10 years;

(*b*) the amount of money spent on repairs of the embankments of the Silabati river during the last 10 years;

(*c*) the amount of money spent on maintenance of the embankments of the Silabati river during the last 10 years; and

(*d*) the amount of money spent as relief measures for repairs?

MINISTER in charge of the DEPARTMENT of IRRIGATION and WATERWAYS (the Hon'ble Sri Bhupati Majumdar): (*a*) ও (*b*) ১৯৩৭-৩৮ হইতে ১৯৪৬-৪৭ পর্য্যন্ত দশ বৎসরের মধ্যে শীলাবতী নদীর বাঁধে ছয়টি ভাঙ্গন মোট ৪২,৩৪৪৲ টাকা ব্যয়ে মেরামত করা হইয়াছিল।

(*c*) ঐ সময়ের মধ্যে বাঁধরক্ষার খরচের পরিমাণ ৩৫,১৭১৲ টাকা।

(*d*) কিছুই না।

GOVERNMENT BILL.

The West Bengal Security (Amendment) Bill, 1948.

The Hon'ble Sri KIRAN SANKAR ROY: Sir, I beg to introduce the West Bengal Security (Amendment) Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri KIRAN SANKAR ROY: Sir, I beg also to move that the West Bengal Security (Amendment) Bill, 1948, be taken into consideration.

Janab MD. KHUDA BUKHSH: Mr. Speaker, Sir, before we know

Mr. SPEAKER: Will you please wait? Let Mr. Basu first move his amendment.

Janab MD. KHUDA BUKHSH: I want to speak on introduction, and if I am permitted to do so, I shall show that his amendment will be out of place.

Mr. SPEAKER: But introduction is not a motion.

The Hon'ble Dr. BIDHAN CHANDRA ROY: But introduction is now over and we are now in the consideration stage.

Mr. SPEAKER: What is it you want to speak on? Is it a point of order? Or you want to speak generally.

Janab MD. KHUDA BUKHSH: I want to speak generally.

Mr. SPEAKER: Then you can do that after Mr. Basu moves his amendment.

Sri JYOTI BASU: Sir, I beg to move that the West Bengal Security (Amendment) Bill, 1948, be circulated for the purpose of eliciting public opinion by the 30th November, 1948.

As I have just moved my motion I think I shall speak at this stage explaining my motion. You will remember, Sir, that on the last occasion when the West Bengal Security Bill was being debated in this House, people of Bengal in unmistakable terms held innumerable meetings and demonstrations and demonstrated their anger against that particular Bill which was called by them the Black Bill at that time. (Question!) The Congress members may go on questioning, but the people of West Bengal by their freedom-loving tradition were roused to anger by the servile imitation by the Congress of the British brand of lawless laws containing provisions amongst others for detention without trial. The Congress could not at that stage mobilise public opinion in support of their lawless Bill and we remember that except for one or two meetings in Park Circus and Matiaburuz it was not possible for Congress gentlemen to hold meetings in support of the Bill. So later on in panic they had to invite Pandit Jawaharlal Nehru and Sardar Patel to browbeat public opinion in this province. Thereafter that measure was pushed through in this Chamber while firing and *lathi* charges were going on outside and certain modifications were included in that particular Bill with the false promises that it was for a limited purpose and that it was for suppressing communalism and goondaism and that also for a limited period and that measure was pushed through in this House and became an Act.

Today after the Act has been given a trial and the people have seen that the hypocritical mask has fallen off because it cannot any longer be worn by the Congress members or the Ministers and people have seen the implications and purposes of the Act which are now quite clear, people have found, as I then pointed out, that it was meant to suppress all opposition and crush the people's fight against poverty, unemployment and slavery. I warned the people at that time that the Congress leaders were deliberately misleading public opinion. Within two months of my prediction, unfortunately and to my bitter cost, I was proved correct. Therefore, there is no reason to suppose that in the meantime the people have all of a sudden changed their opinion in West Bengal and have become very enamoured of this particular Bill of slavery and restriction of freedom and they have become so fond of the Ministers speaking from opposite—or, for instance, the trio, Dr. B. C. Roy, the Hon'ble Sri Kiran Sankar Roy and Sri Nalini Ranjan Sarker—that they will accept this measure. (The Hon'ble Sri KIRAN SANKAR ROY: These names are always in your brain.) The Hon'ble Minister need not get impatient—I have still more to say. This measure seeks to deny the past concessions. Moreover, through the creation of a very unnatural situation in the country today whereby by declaration of section 144 and by promulgation of an emergency by the India Government, they are trying to gag public opinion so that it cannot be expressed in that same unmistakable term as it was expressed during the last occasion and in this situation they are bringing forward this black Bill which is blacker—if anything can be blacker—than the last one. Government should not make the working of the administration absolutely impossible and their philosophy of life should not be restriction and only restriction for the Hon'ble Minister perhaps remembers his dim past when he had read history. He knows that if this restriction goes on and the working of democracy becomes impossible in this country, then there may be unpleasant consequences for the Government and for everybody. I would, therefore, suggest, as I have done in my motion, that this Bill should be sent to the people in the factories, in the fields and to all the unions in

our country including the I.N.T.U.C.—the Congress Union—and their opinions elicited as to what they would wish the Government to do with regard to this particular Bill. This is a very democratic procedure and should be adopted for a measure which is certainly controversial. I would also suggest that at these meetings which are to be organised, both the supporters of this Bill and the opponents like us should be allowed to speak and address the people and their opinions sought. If the people's verdict is for the Government, they can have the Bill and all the powers that they want. Of course, the Ministers might say "We have been elected by the people and, therefore, we shall do as we please to suppress civil liberty", but it is common knowledge that it was not on the basis of a programme for the utter and complete suppression of the people that the Congressmen were elected and as far as the recent elections go, that is no criterion because we know that all opposition has been crushed, they are not allowed to do their own propaganda and we know that people are arrested even if they go for election propaganda and, therefore, it is impossible for rival groups and parties to express their opinion in this situation.

If my motion, therefore, is accepted, I for one will certainly try to mobilise the people against this black Bill and lead them on to the paths of freedom and liberty. I know what the Congress leaders will do, but, at the same time, I shall convince the people that with contempt they should throw out this Bill and the Ministers who dare bring such a Bill against which the people of our country had been fighting during the Andersonian days and throughout the last so many decades against British Imperialism. If this is not accepted, then, of course, it would mean that they by their majority would make the working of democracy impossible. For the consequences, only they can blame themselves. I would again ask them not to behave as any doomed class behaves, as any ruling class which is doomed behaves. That is the same way that these gentlemen are behaving. Of course, they may not heed what I am saying here mine may be a lone voice—but I am sure that the freedom-loving people of our country shall accept what I am saying here today and not what those gentlemen are saying sitting on those benches.

Janab MD. KHUDA BUKHSH: Mr. Speaker, Sir, as I was saying that before I and for the matter of that those who share my opinion define our attitude towards this piece of legislation, I shall make a few submissions before you for your consideration. Sir, let us first of all take the Statement of Objects and Reasons into consideration. It goes on to say that this Bill has been necessitated in order to remove certain doubts which had arisen as to the interpretation of certain provisions of the West Bengal Security Act, 1948. Sir, doubts had arisen notably in respect of sub-section (*1*) of section 16 where it was provided that detention shall be made on "reasonable grounds". Sir, the matter was before the High Court and the Government did not know what to do Probably they anticipated the pronouncement of the High Court on the subject and they had to bring in an Ordinance. Sir, the Ordinance was something bad enough and this Bill has gone far beyond the scope of the Ordinance and to that I shall come later on. Sir, those words "reasonable grounds", as you are aware, were not in the original draft of the Security Bill. They were introduced by the Select Committee after due and mature consideration. As I have had occasion to tell the House before, without divulging any secrets, that that Select Committee was assisted by the Chief Secretary, by other departmental Secretaries, by other high police officials, who were invited by the Select Committee to give the Select Committee of their experience, their opinion and to tell the Select Committee exactly what were the shortcomings of the existing laws that had to be fortified, what were the deficiencies that had to be made good in the Security Bill in order that the day-to-day administration of the country could be carried on.

Sir, you have heard also the other day Sri J. C. Gupta when he rose to speak on the laying of the Ordinance that he has not resiled from his

position that he still thinks that the words "reasonable grounds" should be there and that he went so far as to write a letter to the Hon'ble Minister in charge of this Bill stating his position. (The Hon'ble Sri KIRAN SANKAR ROY: He has not.) That is what he said. I am afraid Sri J. C. Gupta is not here in the House. If he does come in the meantime I shall seek his permission. (Shaik MOHAMAD RAFIQUE: He will not come.) If he does not come today his speech is on record. He wrote a letter to the Hon'ble Minister in charge stating that he had not resiled from the position that he had taken up in the Select Committee and he explained his position on a point of personal explanation on the floor of the House.

Sir, Dr. Ghosh, who was then the Prime Minister presided over the deliberations of the Select Committee, also accepted that in the present context of things, with the bureaucracy being what it is, with the officers being what they are, the words "on reasonable grounds" should be there. Sir, we weighed the pros and cons of the words "on reasonable grounds", and we felt that essential safeguards of people's liberties should be incorporated into the body of the Bill, and it was so done. But, Sir, Government subsequently found—Dr. Ghosh is not holding the reigns of Government now, and another party within the Congress Party——(Cries of "No, no; the same party".)

The Hon'ble Sri BHUPATI MAZUMDAR: Dr. Ghosh is with us and supporting the move.

Janab MD. KHUDA BUKHSH: It is not the same party, I am afraid. I will be able to prove that there are some members who share our views and who have tabled amendments. I do not know whether party discipline will allow them to move those amendments. Anyhow they have tabled some amendments. And that shows that their sympathy is certainly with those amendments.

Sir, the expression "doubts having arisen" is certainly an attempt to hoodwink the public. There is no question of doubts having arisen. We wanted to put the words there, we weighed their implication, we knew their meaning, we knew how they will be utilised. Therefore the meaning that attached to the words "on reasonable grounds" at the time of their incorporation in the Bill by the Select Committee still stands. Now, mentioning in the Statement of Objects and Reasons the words "doubts having arisen" is certainly a fraud and an attempt at deception. Sir, I should have understood the Minister in charge of this Bill making a straightforward statement and telling us that here is a thing that was probably expedient in those days, that was probably necessary in those days; but these things should not now remain, they should be deleted, because the circumstances have changed. Then I should have understood him. I should have then asked him what are these circumstances? I might have put a few questions, and I would have understood the straightforward position and the straightforward statement of facts.

Sir, here again it says "in order to remove certain doubts", a certain procedure has been adopted. I would, by way of illustration, draw your attention to item No. 8 which says "to make it beyond all possible doubts that an order of detention under sub-section (*1*) of section 16 may be reviewed by a Judge of the High Court more than once and while extending the original duration of such orders to limit the period of subsequent extensions". How does it compare with the body of the Bill? If you will permit me, Sir, I will read out the body of the Bill. Then, Sir, I shall submit to you that they are inconsistent and everyone is free to draw his own conclusion. It reads "Provided that the Provincial Government may, if and so often as it thinks fit". The statement of Objects and Reasons says "to make it beyond all possible doubts", but in the body of the Bill it is said "if and so often as it thinks fit". Supposing the Government does not think it fit, then a matter will not be referred to the High Court Judge

it all. But, Sir, the Statement of Objects and Reasons which is meant probably for the consumption of the press and the country at large creates an impression that Government are eager and anxious to place everything before a High Court Judge.

Sir, I shall now draw your attention to item No. (7) which runs thus: "to enhance from 3 months to 9 months the period during which ordinarily an order under section 16(*1*) shall remain in force". You are aware that the original Bill had provisions in it to make an initial detention of three months, and if the Government were satisfied, and the High Court Judge was satisfied that further detention was necessary or warranted by circumstances, then they could issue subsequent orders for detention. Like that, Sir, if a man could be kept perennially and eternally under detention, I do not know why Government should now come forward and want that the initial detention order should be made for nine months. So I submit that instead of removing any doubts, this Bill, this piece of legislation gives rise to serious doubts and misgivings about its *bona fides* and its intention. Sir, Dr. Ghosh when he was piloting this Bill appealed to us in these words "allow democracy to function". I shall reiterate that appeal and address the honourable members sitting opposite me, and I shall ask them to allow democracy to function. I maintain, Sir, that this Bill has been drafted and is being piloted by a small group of people inside the majority party, and, therefore, it is certainly not the verdict of the people. It cannot be said that it is democratic. I find that members have had occasions to table amendments. I do not know if ultimately they will move them and if Government will see their way to accept them. Even so, they are not in complete agreement with this Bill. When the Security Bill was passed, it was passed after the partition; it was passed after the advent of freedom. Then the conditions were charged with sinister and dangerous possibilities and fraught with other potentialities and dangers. We grudgingly did concede to the Government of those days certain powers which were sweeping in their character. Then the Bill was characterised as a "Black Bill", a "lawless law" and all kinds of names were given to it. We from this side of the House felt that as no human Government could foresee how the situation would take shape, how communal as well as other situation would shape, Government of our country should be armed with sufficient powers, and grudgingly we surrendered some of our liberties for the collective liberty and peace and stability of the Province. Since then, Sir, nine or ten months have elapsed and we feel that the situation has been improving, and we have been thinking that a time would soon come when the Government would bring in a Bill to relax some of the stringency that attached to the original Security Bill. Instead Government have seen it fit and proper to present us with this measure. This Bill then suggests, belying all our hopes and expectations, that instead of improvement both in the communal as well as political situation in the country, the situation has deteriorated, and not only deteriorated but deteriorated tremendously, at least three times. When Government first sought powers, it wanted detention for three months only, but by mathematical computation when it wants 9 months, I may be excused if I feel that Government thinks that the situation has deteriorated at least three times. If we are under a false sense of security, if we are under a false sense of complacency, why should not Government take us into their confidence. What are the national calamities we are faced with? Are we on the brink of a precipice? When and how, that situation has developed? Without these answers it will not be possible for us to give our co-operation and give our support to this Bill. Two or three weeks ago there arose suddenly in India a situation which had no parallel in the country. And probably Government might have felt justified to arm themselves with more stringent powers. But that is all over now. The communal situation has not deteriorated; people have behaved splendidly well; there have been no anti State activities anywhere in the Province. Why should then Government feel justified,

why should Government seek to arm themselves with more power under the Security Bill? I would, therefore, suggest to the Government "take the country into your confidence, tell us where the dangers are and what is the nature of those dangers". If that is not possible for the Government to do with the press and the visitors' galleries full in this House I suggest to Government: let there be a secret session; let all the members go into the secret session and let the Hon'ble Minister in charge of this Bill tell the House why is it that we want Bengal to surrender almost all our liberties. If that is not possible, I have another submission to make. Let this Bill then be referred to the same Select Committee which sat on the old Security Bill with the addition of the name of the Hon'ble Minister in charge of this Bill. No such amendment has been moved, but if the Government agree, and you, Sir, permit me or any other member of this House to move a short-notice amendment to this effect, then the Bill may go to the Select Committee. If Government do not see their way to accept this eminently reasonable suggestion, I can only ask them to read the writing on the wall and feel them "*Aisa din nahi rahega*".

Dr. SURESH CHANDRA BANERJEE : Mr. Speaker, Sir, এই সংশোধনী বিলের ধারাসমূহ মূল বিলের ধারাগুলি অপেক্ষা যে কঠোর তাতে বিন্দমাত্র সন্দেহের অবকাশ নেই। কিন্তু কেন এই সংশোধনী বিলের ধারাসমূহকে আরো বেশী কঠোর করা হয়েছে তার কারণ অতি সুস্পষ্ট। মূল বিলটি যখন এই পরিষদে প্রথম আনা হয়, তখন দেশ সবেমাত্র স্বাধীন হয়েছে। ভারতবর্ষ—পাকিস্থান ও ভারত--এই দুই খণ্ডে বিভক্ত হয়েছে--ফলে এক Dominion থেকে অন্য Dominionএ লোক দলে দলে যেতে আরম্ভ করেছে। তখন আমাদের সম্মুখে হিন্দু-মুসলমান সমস্যাই ছিল সবচেয়ে প্রধান ও প্রবল। তখন দেশে হিন্দু-মুসলমানের মারামারি, দাঙ্গাহাঙ্গামা চলছিল--গৃহে গৃহে এই সাম্প্রদায়িক বিরোধের আশঙ্কা দেখা দিয়েছিল। এই জিনিষ--এই হিন্দু-মুসলমানে বিরোধ, তাদের মধ্যে মারামারি, কাটাকাটি, হানাহানি--এই সমস্যা, এই প্রশ্ন সামনে রেখেই আগের বিলটি আনা হয়েছিল। তাই এই বিলের ধারাগুলি অপেক্ষাকৃত সহজ ও সরল ছিল। কিন্তু এখন, এক বৎসর পরে, অবস্থা সম্পূর্ণ বদলে গেছে। হিন্দু-মুসলমানের মধ্যে সেইরূপ মারামারি, কাটাকাটি এখন নেই। অবশ্য একথা আমি বলতে চাই না যে হিন্দু-মুসলমানের মধ্যে পূর্ণ প্রীতি স্থাপিত হয়েছে। কিন্তু হিন্দু-মুসলমানের মধ্যে যে বিরোধ ও সংঘর্ষ ছিল, তা বন্ধ হয়েছে--এটা আমি জোর করে বলতে পারি। সুতরাং এখন আমাদের সুমুখে হিন্দু-মুসলমানে বিরোধ বড় সমস্যা নয়। সেটা অবশ্য আছে, কিন্তু অতি সামান্য পরিমাণে। বর্তমানে আমাদের সম্মুখে আর একটা বড় সমস্যা এসে উপস্থিত হয়েছে--সেটা রাজনৈতিক সমস্যা। গত মহাযুদ্ধ শেষ হলে পর আমরা সকলে আশা করেছিলেম, পৃথিবী এর পর ক্রমশঃ শান্তি ও সমৃদ্ধি ভোগ করবে, কিন্তু আমাদের সে আশা সমূলে নির্মূল হয়ে গেছে। ইতিমধ্যেই পৃথিবী আবার যুদ্ধোন্মুখ দই দলে বিভক্ত হয়েছে। এই দুই দলের মধ্যে কখন যে যুদ্ধ লাগবে, এই ভয়ে সমস্ত দুনিয়া আজ আতঙ্কিত। এই দুই দল কে জানেন? এক দলে আছে ইংলণ্ড ও মার্কিন যুক্তরাষ্ট্র, অন্য দল হচ্ছে রাশিয়া। ইংরাজ ও আমেরিকার কাছ থেকে অদূর ভবিষ্যতে আমাদের ভয়ের কি কারণ আছে, তা আমরা ভাল করে এখনও বুঝতে পারছি না। কিন্তু রাশিয়ার কাছ থেকে আমাদের বিশেষ ভয়ের কারণ আছে। রাশিয়া অতি দ্রুত তার প্রভাব বিস্তার করছে। সে ইতিমধ্যেই পশ্চিমে ইউরোপের অনেকদূর পর্যন্ত প্রভাব বিস্তার করে বসেছে। পূবে সে চীনে অনেক দূর এগিয়েছে; শুধু চীনে নয়—এখন মধ্যে সে তার প্রভাব বিস্তার করবার চেষ্টা করছে -মালয়ে প্রভাব বিস্তারের চেষ্টা করছে—Indonesiaতে চেষ্টা করছে। Siamএও তার প্রভাব বিস্তারের চেষ্টা চলছে এবং আসামেও প্রভাব বিস্তারের চেষ্টা হচ্ছে। বাংলা দেশেও প্রভাব বিস্তারের চেষ্টা করছে। শুধু আসাম ও বাংলায় কেন--সমগ্র ভারতবর্ষে তার এই প্রভাব বিস্তারের চেষ্টা হচ্ছে। রাশিয়ার প্রভাব বিস্তারের রীতি ও নীতির রহস্য অতি বিচিত্র। সেই রীতি ও নীতি আমাদের সকলের ভাল করে বোঝা উচিত। আমরা ইংরাজের সাম্রাজ্য বিস্তার-নীতি ভালভাবেই জানি। অন্যান্য দেশের মত আমাদের দেশেও ইংরাজ জয় করে বহুদিন বসে ছিল--তার এই colonial expansion নীতি পরিষ্কার বোঝা যায়। তার মধ্যে অস্পষ্টতার আবছায়া কিছু মাত্র নাই। তারপর আমরা অন্য ধরণের সাম্রাজ্যিকতা দেখেছি--সেটা হচ্ছে মার্কিন সাম্রাজ্যিকতা। এই সাম্রাজ্যিকতাকে বলা হয় অর্থনৈতিক সাম্রাজ্যবাদ, ইংরেজীতে যাকে Economic Imperialism বলা হয়—যার ফলে সে সমগ্র দক্ষিণ আমেরিকা গ্রাস করে বসে আছে। এই সাম্রাজ্যবাদ আমরা বেশ বুঝতে পারি, কিন্তু রাশিয়ার প্রভাব বিস্তারের নীতি অতি বিচিত্র, অতি সূক্ষ্ম, অতি জটিল ও রহস্যময়। সে কোন দেশে আপন সৈন্য পাঠায় না। তার একটা পার্টি আছে—Communist Party এবং পৃথিবীর বিভিন্ন দেশে সেই পার্টির শাখা আছে। রাশিয়া থেকে টাকা দিয়ে সেই,

পার্টিকে সমৃদ্ধ করা হয়--তাকে control ও guide করা হয়। সেই partyর চেষ্টা হচ্ছে বিভিন্ন দেশে পার্টির শাখা স্থাপনা করে সুযোগ পাওয়া মাত্র সে সব দেশে বিদ্রোহ ও বিশৃঙ্খলার সৃষ্টি করা এবং সেখানকার গভর্ণমেণ্টকে সর্বপ্রকার সম্ভব উপায়ে জনসাধারণের কাছে হেয় প্রতিপন্ন করে তার উচ্ছেদ সাধন করা এবং তার জায়গায়, তাদের নিজেদের—Communist Party গভর্ণমেণ্ট—প্রতিষ্ঠিত করা। এই গভর্ণমেণ্ট কি ধরণের হবে তা সকলেই বুঝতে পারেন—তা হচ্ছে Russia-dominated গভর্ণমেণ্ট। এই একটা নতুন ধরণের imperialism আমাদের সম্মুখে এসেছে। ইংরাজের Colonial Imperialism আমরা বুঝি এবং তার বিরুদ্ধে আমরা সংগ্রামও করেছি; American Imperialismও আমরা অনেকটা বুঝি, কিন্তু এই Russian Imperialismএর বিরুদ্ধে কি করে সংগ্রাম করব, সেটা এখনও আমরা বুঝতে পারছি না। আজ আমরা এই যে একটা নূতন বিপদের সম্মুখীন হয়েছি, তাকে উপেক্ষা করলে চলবে না। তাই আজ এই বিল আলোচনা করবার সময় এই নূতন ধরণের imperialismএর কথা মনে রেখে আমাদের সমস্ত অবস্থা পর্যালোচনা করতে হবে।

Comrade জ্যোতি বসু যে সংশোধনী প্রস্তাব পেশ করেছেন, তাতে তাঁর এবং তাঁর partyর মনোভাব সুস্পষ্ট প্রতিফলিত হয়েছে। যদি দেশে কখনও কোন আভ্যন্তরীণ গোলমালের উদ্ভব হয়, তা দমন করবার জন্য এই বিলে ব্যবস্থা আছে। জ্যোতি বসু তা চান না--সেই জায়গায় তিনি চান external aggressionএ বহিরাক্রমণের প্রতিরোধের ব্যবস্থা। তিনি এবং তাঁর party চান ভারতের ভিতর একটা গোলমাল, বিশৃঙ্খলা হোক এবং সেটা চারদিকে ছড়াক। (Janab MD. KHUDA BUKHSH : শ্রীচারু চন্দ্র ভাণ্ডারি মহাশয় কি বলেন?) Comrade জ্যোতি বসু বেশ জানেন--বর্তমানে Ceylon, Nepal, Burma থেকে আমাদের কোন ভয়ের কারণ নেই। আমরা internal revolution--অন্তর্বিপ্লবের ভয় করি। এবং সেটা প্রতিরোধ করবার ব্যবস্থা এই বিলে আছে। এই দিক্ থেকে এই বিলের প্রয়োজনীয়তা সকলেই উপলব্ধি করবেন।

Comrade Jyoti Basu যে পার্টির লোক——

Sri JYOTI BASU: On a point of order, Sir Is the honourable gentleman entitled to call me his comrade? Certainly I am not his comrade and therefore he should address me in the proper way.

Mr. SPEAKER: Do you object to his calling you comrade?

Sri JYOTI BASU: Yes, Sir. I do object, because I am not his comrade and I do not intend to be his comrade.

Mr. SPEAKER: Then the honourable member need not address him as comrade.

Dr. SURESH CHANDRA BANERJEE: বন্ধু জ্যোতি বসু কমরেড্ শব্দে আপত্তি করছেন, তাই তাঁকে সাথী জ্যোতি বসু বলছি। এই কমিউনিষ্ট পার্টি দিনের পর দিন যে কাজ কোরে যাচ্ছে সে দিকে লক্ষ্য রাখলে এই পার্টির আসল মতলব পরিষ্কার বোঝা যাবে। কিছুদিন আগে মনুমেণ্টের কাছে একটা মিটিং হয়েছিল কমিউনিষ্ট পার্টির নেতৃত্বে। সেই মিটিংএ একজন লোক পুলিশের কাছ থেকে একটা রিভলভার ছিনিয়ে নিয়ে সেই পুলিশ অফিসারকে আহত করে, ফলে পুলিশ কর্মচারীটি মারা যায়——

Sri JYOTI BASU: On a point of order, Sir. As you know the particular meeting he is referring to, as the incident that took place there is now *sub-judice*, I do not think he can refer to it.

Mr. SPEAKER: If it is *sub-judice*, Dr. Banerjee, you should not refer to it.

Dr. SURESH CHANDRA BANERJEE : কিছুদিন আগে Portএ যে strike হয় তাও বিশেষ লক্ষ্যের বিষয়। সেখানে পোর্ট রক্ষা করার ভার যেই Watch and Ward দলের উপর তাদের কতক সশস্ত্র প্রহরী বিদ্রোহ করেছিল। কয়েকদিন আগে বোম্বের ব্যবস্থা পরিষদে সেখানকার স্বরাষ্ট্র সচিব শ্রীযুক্ত মোরারজী দেসাই ২৩শে সেপ্টেম্বর তারিখে একটা প্রশ্নের উত্তরে মিঃ ডাঙ্গেকে কেন আটক করা হয়েছে সে সম্বন্ধে বলেছিলেন—

In the course of his reply in the Bombay Legislative Assembly Sri Morarji Desai said "that the ground for Mr. Dange's detention was that he used to invite his associates and followers to collect arms and form unlawful army and also instigate acts of sabotage. Mr. Dange is the General Secretary and, as such, the leader of the Communist Party in India".

ভাঙ্গে কমিউনিষ্ট পার্টির একজন বিশিষ্ট নেতা। এথেকে এই দলের অনুচরেরা কি করে তা বোঝা যায় এবং এই কথা মনে রেখে এই বিল আলোচনা করা উচিত। আমরা যদি এই কথাটা মনে রাখি, সম্ভাব্য অন্তর্বিদ্রোহের কথা যদি মনে রাখি, তবে দেখা যাবে এই বিলে যে সমস্ত নূতন সংশোধন করা হয়েছে তাতে আশ্চর্য্যের কিছুই নাই এবং সেগুলি খুব বেশী কঠোর হয়েছে বলেও মনে হবে না। আমি অনেকবার এই বিলটা ভাল কোরে পড়েছি, কারণ আমি শ্রমিক আন্দোলন করি। তাই সর্ব্বক্ষণ সতর্ক থেকে আমাকে দেখ্‌তে হয় শ্রমিক আন্দোলনের কোন বাধা বা অন্তরায় কোন পথে হচ্ছে কি না। এভাবে দেখে আমি বেশ বুঝেছি যারা ন্যায়সঙ্গত পথে শ্রমিক আন্দোলন চালাতে চায় তাদের পক্ষে এই বিলে আপত্তির বিশেষ কিছু নাই। একথাটিও অবশ্য মনে রাখতে হবে, দেশে যখন বিদ্রোহের আশঙ্কা আছে তখন কিছু না কিছু ব্যক্তিগত স্বাধীনতা লোপ পাবে, সভাসমিতি করবার অধিকারও কতক ক্ষুণ্ণ হবে। এরূপ সকল দেশেই হয়ে থাকে এবং আমাদের দেশেও হবে। যদি অন্তর্বিদ্রোহের সম্ভাবনা এবং আশঙ্কার কথা মনে রাখেন তাহলে এই বিলটা মোটেই কঠোর বোধ হবে না।

এই বিলে যেই কয়টি সংশোধনী প্রস্তাব আছে তার মধ্যে আমার মতে দুটি প্রধান। তার একটি হচ্ছে—যা নূতন কোরে বলা হচ্ছে এবং মূল আইনে ছিল না—যে কতকগুলি areaকে protected area—সংরক্ষিত জায়গা করা হয়েছে—এটা অত্যন্ত দরকার। আগেই বলেছি, কম্যুনিষ্ট পার্টি চেষ্টা করছে আমাদের সমস্ত রকম কলকারখানা, যা কিছু যন্ত্রপাতি যেখানে আছে এমন কি গভর্ণমেণ্ট পর্য্যন্ত—তাকে ধ্বংস করবার। এমন অনেক জায়গা আছে যা দেশকে রক্ষা করার জন্য, জনগণকে রক্ষা করার জন্য অত্যন্ত প্রয়োজনীয়। অন্তর্বিদ্রোহের আশঙ্কা যখন আমাদের দেশে বিদ্যমান তখন এধরণের জায়গাগুলিকে যে সংরক্ষিত করতে হবে সে বিষয়ে সন্দেহের অবসর নেই। সুতরাং এই ধরণের একটি সংশোধনও এই বিলে আনার প্রয়োজন নিশ্চয়ই আছে। এই বিলে গুরুত্বপূর্ণ আর একটি সংশোধনী প্রস্তাব আছে। মূল আইনে কোনও লোককে সন্দেহক্রমে ৩ মাস পর্য্যন্ত আদালতে উপস্থিত না কোরে গভর্ণমেণ্ট আটকে রাখতে পারতো। সেই ৩ মাসের বদলে এই বিলে ৯ মাস করা হয়েছে। যার সম্বন্ধে সন্দেহ হবে যে সে অন্তর্বিদ্রোহ করবার চেষ্টায় আছে বা দেশে civil war করবার চেষ্টায় আছে সেই ধরণের লোককে আটকে রাখতে হচ্ছে এবং তাকে ৯ মাস আটকে রাখা বিশেষ অন্যায় হবে না। রশিয়ায় হ'লে সে রকম লোককে গুলী কোরে মারা হ'ত। আমরা এদেশে রশিয়ার মত কঠোর হ'তে পারি না, আমাদের মমতাবোধ অনেক বেশী, তাই আমরা অতদূর যেতে চাই না। একারণে ৩ মাসের জায়গায় মাত্র ৯ মাস করা হয়েছে। যারা গভর্ণমেণ্টের বিরুদ্ধে সশস্ত্র বিদ্রোহ করতে চায় ও যাদের সম্বন্ধে গভর্ণমেণ্ট প্রমাণ পেয়েছে যে তারা সে কাজ করতে পারে, তাদের শুধু ৯ মাস আটক রাখাটা খুব কঠোর ব্যবস্থা নয়।

এই ধরণের সংশোধনী বিল সমর্থন করার প্রসঙ্গে আরও ২।১টী কথা বলা দরকার। আমার যত কিছু অভিযোগ কমিউনিষ্ট পার্টির বিরুদ্ধে। নয়ত communism অর্থাৎ সাম্যবাদের বিরুদ্ধে আমার বল্‌বার কিছুই নাই। আমরাও চাই যে আমাদের দেশে সাম্যবাদের যুগ স্থাপিত হউক যাতে মানুষে মানুষে কোন পার্থক্য না থাকে, যাতে সকলে সম্পূর্ণ শান্তি ও সম্প্রীতিতে বাস করতে পারে। এই সম্প্রীতি স্থাপনের আদর্শ সম্মুখে রেখেই আমরা কাজ করছি। সাম্যবাদের নীতির ভিত্তিতে সমাজ-ব্যবস্থা স্থাপনের আমরা সমর্থন করি বলেই আমরা কৃষাণ-প্রজা-মজদুর রাজের পক্ষপাতী। সুতরাং আমার কমিউনিজ্‌মএর বিরুদ্ধে কোন অভিযোগ নাই, আমার অভিযোগ শুধু কমিউনিষ্ট পার্টি অব্ ইণ্ডিয়ার বিরুদ্ধে।

Sri JYOTI BASU : আর রশিয়ার বিরুদ্ধেও ত?

Dr. SURESH CHANDRA BANERJEE : কিষাণ-প্রজা-মজদুর রাজ স্থাপিত হলে দেশের চেহারা কি হবে এখন তা বলা শক্ত। তবে কিষাণ-প্রজা-মজদুর রাজএর পথে এগুনোর জন্য কতকগুলি কাজ গভর্ণমেণ্টের এখনই করা উচিত। সেই কাজগুলি হচ্ছে—

(১) গভর্ণর এবং উচ্চ সরকারী কর্ম্মচারীদের মাহিনা কমিয়ে দেওয়া উচিত। যত বড় কর্ম্মচারীই হউন না কেন কাহারো মাহিনা মাসে দু হাজার টাকার বেশী হওয়া উচিত নয়।

(২) গভর্ণর ও সরকারী কর্ম্মচারীরা প্রাসাদের ন্যায় যেসব বড় বড় বাড়ীতে এখন থাকেন সেই সব বাড়ীর বদলে তাঁদের সাধারণ বাড়ী দেওয়া দরকার এবং সেই সব বাড়ী স্কুল, কলেজ, বোর্ডিং, হাসপাতাল প্রভৃতির মত জনহিতকর প্রতিষ্ঠানের কাজে ব্যবহৃত হওয়া বিধেয়।

Mr. SPEAKER: Dr. Banerjee, I am afraid you are speaking beyond the scope of the Bill.

Dr. SURESH CHANDRA BANERJEE : স্পীকার মহোদয়, আমি এই কথা বলতে চাই যে এই বিলটা পড়ে যতদূর বুঝতে পেরেছি তাতে দুটো বিপদ এড়ানোই এই বিলের উদ্দেশ্য। একটি সাম্প্রদায়িক বিরোধ; দ্বিতীয়টি কম্যুনিষ্ট পার্টি কর্তৃক আয়োজিত অন্তর্বিদ্রোহ।

বর্তমানে দেশে সাম্প্রদায়িক বিরোধ বড় বিশেষ নাই। কিন্তু আভ্যন্তরীয় বিদ্রোহের আশঙ্কা পূর্ণ বিদ্যমান। সুতরাং এই আশঙ্কার কথা মনে রেখেই আমাদের কাজ করতে হবে। জনগণ যাতে সুখে শান্তিতে বাস করতে পারে সে ধরণের কাজ করলেই অন্তর্বিদ্রোহের আশঙ্কা কমবে এবং এই বিলের উদ্দেশ্যও পূরণ হবে।

সঙ্গে সঙ্গে একথাও বলতে চাই যে কলিকাতা সহরে যারা ঠিকা প্রজা আছে তারা যাতে উচ্ছেদ না হ'তে পারে সেজন্য গভর্ণমেণ্টের ব্যবস্থা করা উচিত। তাছাড়া বস্তীতে মানুষ যেভাবে বাস করে তারও উন্নতি হওয়া উচিত। পূর্ববঙ্গ থেকে যে সব আশ্রয়প্রার্থী এদেশে আসছে তাদের অনেক অসুবিধা আছে। আমি কিছুদিন আগে বনগাঁয় গিয়েছিলাম। আমি দেখেছি তাদের ঐ অসুবিধার সুযোগ নিয়ে তাদের মধ্যে বিশৃঙ্খলা সৃষ্টির চেষ্টা হচ্ছে। তাই সেই সব আশ্রয়প্রার্থী এদেশে এসে যাতে অপেক্ষাকৃত সুখে শান্তিতে বাস করতে পারে তার ব্যবস্থা গভর্ণমেণ্টের করা উচিত।

Mr. SPEAKER : I should ask you to confine yourself to the subject matter of the Bill.

Dr. SURESH CHANDRA BANERJEE : তাছাড়া চোরা কারবার যাতে একেবারে নির্মূল হয়ে যায় তাও গভর্ণমেণ্টের করা উচিত। তারপর ন্যায্য দামে যাতে জিনিষ পাওয়া যায় এবং যাতে সকলে সস্তায় দ্রব্যাদি কিনতে পারে তার ব্যবস্থা করা উচিত। সঙ্গে সঙ্গে শ্রমিকেরা যাতে সহজে ট্রাইবিউন্যাল পেতে পারে আর ট্রাইবিউন্যালের রায় যাতে শীঘ্র শীঘ্র বাহির হয় এবং ট্রাইবিউন্যালের রায় যাতে মালিকেরা পূরণ করে তারও চেষ্টা করা উচিত। এই ধরণের কাজ যদি করা হয় তবেই যথার্থ কৃষাণ-মজদুর রাজ প্রতিষ্ঠিত হবে এবং কমিউনিষ্ট পার্টির অপপ্রচার কমে যাবে। তাহলেই এই বিল যে উদ্দেশ্যে আনা হয়েছে তা কার্যে পরিণত হবে। এই কথা বোলে আমি বিলটা সমর্থন করছি।

(The House was then adjourned for fifteen minutes.)

(After adjournment)

Janab A. F. M. ABDUR RAHMAN: Mr. Speaker, Sir, while speaking on the West Bengal Security (Amendment) Bill, 1948, I do not like to recall the unfortunate incidents that took place during the passage of the West Bengal Security Bill. Nor do I like to refer to the speeches of the honourable members of the Opposition when the Special Powers (Amendment) Ordinance, 1946-47, were placed in the House and particularly the speeches of the present Hon'ble Revenue and Judicial Ministers and also I do not like to emulate my friends by imputing motives to the author of the present Bill. Sir, the West Bengal Security Act even without the proposed amendments is sufficiently drastic. The author of the present Bill wants to change some of the existing provisions and also make certain further amendments in order to make the Act much more stringent, but, Sir, he has not adduced sufficient reasons why he wants these modifications. Sir, the Hon'ble Member in charge of the Bill in the Statement of Objects and Reasons only said that it was urgently felt necessary to remove certain doubts which had arisen as to the interpretation of certain provisions of the Act, but, Sir, we feel that Government should take the House into confidence and tell us the actual nature of difficulties and how far these difficulties are interfering with the safety of the State, because safety of the State is the primary consideration and all other considerations must be subordinated. Merely mention of difficulties should not be sufficient. The exigencies that might have existed one or two weeks before do not exist now and especially after the fall of Hyderabad. Sir, if according to Government the exigencies still exist, please tell us because we are no less anxious for the safety of the State than our friends sitting in front of us.

Sir, Dr. Ghosh, when he introduced the original Bill, told the House that he wanted these powers for the prevention of illegal acquisition, possession or use of arms, for the suppression of subversive movements endangering communal harmony or safety or stability of the province, for

the suppression of goondas and for maintaining services essential to life of the community. So we hope, Sir, that the author of the present Bill will give the House some convincing reasons in support of his Bill. If the Hon'ble Member in charge of the Bill feels that no arguments are necessary and he will carry everything through sheer majority of votes, let him do so, we shall only lodge our feeble protest.

Sir, when we discuss the Bill clause by clause we shall be able to discuss them more elaborately. But at this stage I would like to draw the attention of the House to the clauses which I consider to be absolutely pernicious. Let us take clause 6 of the Bill. The Member in charge wants to omit the words "on reasonable grounds" from sub-section (*1*) of section 16 of the Security Act. Let us read the section after deletion of the words "on reasonable grounds". The Provincial Government, if satisfied with respect to any particular person, etc. The words "if satisfied" have no meaning without the words "on reasonable grounds". Sir, who is going to administer the various provisions of this Act—certainly not the Hon'ble Premier, nor the Hon'ble Minister in charge of the Home Department because neither they have the time nor it is possible for them to examine each and individual case; even if they want to examine, they will have to depend on the reports of their officers even though the reports may not be based on reasonable grounds. Sir, who can say in the present vicious atmosphere that all the officers of the Government are impartial, free from communal bias and also honest. Such being the state of affairs God alone knows what will be our fate if somehow or other we incur the displeasure of the officials, specially the police. The words "on reasonable grounds" was a sufficient check on the vagaries of unscrupulous officers.

Sir, in the original Bill the words "on reasonable grounds" did not find a place but the Select Committee after careful consideration inserted these words. Sir, we also do not see sufficient justifications of the amendment of section 17 and also the proviso to sub-section (2) of section 30. Sir, it is not the members who sit in the Opposition who have taken objection to the provisions of the Bill but even some of the stalwart members of the Government party have also taken objection to the provisions of the Bill. Sir, we do not know what will be the final attitude of these members towards the amendments to the Bill they have tabled. Probably they will be subjected to the party discipline but all the same we can take it that their sympathies are with those amendments. Sir, in a democratic Government one must submit to the rule of majority even though it may be unjust.

Before I sit down I would request the honourable members of the House to read today's editorial of the "statesman", if they have not already read. The editorial has given a pen picture of the amendments which the Government seek to introduce and its consequential effect and the editorial deserves the congratulations of all right-thinking men. Sir, I cannot resist the temptation of quoting a few lines from the editorial—"Bureaucracies are not infallible There is moreover a relevant legal maxim that justice should not merely be done, but appear to be done".

Janab MUDASSIR HOSSAIN: Mr. Speaker, Sir, I had no desire to take part in the proceedings today because this debate of today reminds me of a speech which was delivered by our honourable leader, Mr. Kiran Sankar Roy, when he was the Leader of the Oppositilon. Sir, he said on the last day of his budget speech, "You may have reason on your side, you may have justice on your side, you may have logic on your side, you may have right on your side, but if you have no effective vote on your side your cry is a cry in the wilderness and you will be treated just like an abandoned child in a forest".

The Hon'ble Sri KIRAN SANKAR ROY: The last two lines are not mine.

Janab MUDASSIR HOSSAIN: The last two lines are my comment over your learned speech. So, Sir, show of reason, show of logic is useless and is of no avail. Therefore, Sir, I had no desire to take part in the proceedings of this Assembly today, but, Sir, by my silence it may be thought that I consent to this Bill, this black Bill as black as মহানিশার অন্ধকার (laughter). This Bill which is as dark as মহানিশার অন্ধকার। অমাবস্যার ঘোর অন্ধকার।

Now, Sir, the western form of democracy is not suitable to our country. I have said this more than once on the floor of this House. The western form of democracy is not suitable to the genius of this country, and this Bill, Sir, proves conclusively that I am correct. According to the western form of democracy, whenever a Bill of momentous importance is considered, the Opposition and every other party are called, and their counsels and advices taken. But, Sir, in this Assembly the party in power today in their arrogance, having become drunk and intoxicated with the possession of power, have thrown to the wind all forms of advice; such advices are legally and formally given to the party in power in other democratic countries. They are moving in their insolent way. My humble opinion is that this Bill will defeat its own object. When a penal measure is passed, it is passed for the purpose of suppressing offences or any other things. But, Sir, in this case you Congress gentlemen. I appeal to them through you, Sir (laughter)—(A VOICE FROM THE GOVERNMENT BENCHES: He has managed to remember you)—you have your own experience that suppression and oppression are of no avail to persons who are bent upon to acheve their objectives when they are guided by some ideal. (A VOICE FROM GOVERNMENT BENCHES: The foreigner was there then.) You are playing the part of the foreigner now. The foreigner was better than you are. They suppressed you, they oppressed you, they put you in jail, and you were নির্যাতিত কংগ্রেস বন্দী, and what was the result? Could the British suppress the heart or spirit of Mahatma Gandhi or Pandit Nehru or Abul Kalam Azad and other persons? No. So, Sir, I appeal to you with all the earnestness that I can command that if they, the British, who thought of you as their enemy, could not suppress you by putting you in jail, by torturing you, by oppressing you, and doing certain other things, do you think that you can suppress this movement which you are bent upon doing by simply taking powers and putting certain persons in jail without trial? I do not think you can do that. (The Hon'ble Sri KIRAN SANKAR ROY: Which movement?) The communist movement. I am a plain-speaking man, an outspoken man. I do not know what is duplicity. Consequently I think this is directed against the communists. (A VOICE FROM GOVERNMENT BENCHES: So, you are speaking on behalf of the communists!) (Shaik MOHAMAD RAFIQUE: We are for fairplay.) You are playing the part of the British and the communists are playing the part of the Congress. (A VOICE FROM GOVERNMENT BENCHES: But what part are you playing?) We are in the middle path—neither this side nor that side.

Then, Sir, my humble submission before you through you, Sir, always through you—is that you should calmly consider and think over the matter as to how you can put down this movement. My humble opinion is that you cannot put it down by putting them in jail, by taking more powers and by doing sundry other things. To be successful you have to follow Mahatma Gandhi. You have to follow the non-violent principle which was inculcated by the greatest person of the present time, Mahatma Gandhi. What did he say? When I spoke on the Draft Constitution, I said that if you follow the principles laid down by Mahatma Gandhi everything will be all right, but you never follow them. Instead of that, you follow the principles of industrialists, you follow the principles of capitalist countries like England, America and such like countries, and you did not draw up a constitution according to the guiding principle of Mahatma Gandhi. What I mean to say is this: you start democracy from the very beginning, *i.e.*, from the village and take into confidence the entire people. You should have village

parliament, then union parliament. Then every party—communist, Congress, Muslims, Hindus, everybody will come in and give their best for the improvement of our dear Fatherland.

(A VOICE FROM THE GOVERNMENT BENCHES: Fatherland or Motherland?) Fatherland and Motherland are the same thing. There is no difference. Therefore, Sir, the western form of democracy is not suitable to our country. Is it proper, is it just to arrest a person and put him in jail without showing any reason? You suspected a person and you put him in jail. If a person happens not to agree with you, you think that he is a very bad man and you arrest him and put him in jail and he will have no remedy. You play the part of a Hindu Maharaja শত মুণ্ডের কর্ত্তা।

(Janab Syed Badrudduja rose to speak.)

(The Hon'ble Sri Kiran Sankar Roy also rose to speak.)

Janab SYED BADRUDDUJA: Let the Hon'ble Minister speak, Sir; I shall speak after the Hon'ble Minister; I shall speak on the third reading.

Shaik MOHAMAD RAFIQUE: We want to hear the Hon'ble the Home Minister first and after he has spoken we would like to speak as otherwise we will not know what are the reasons which impelled him to bring forward this Bill.

Mr. SPEAKER: That cannot be. Yes, the Hon'ble Sri Kiran Sankar Roy.

The Hon'ble Sri KIRAN SANKAR ROY: Mr. Speaker, I have heard the speeches of the honourable gentlemen opposite very carefully and I confess, Sir, the brilliant speech of the last speaker almost overwhelmed me. If I had yielded to emotion I would have withdrawn the Bill straight off but duty compels me to proceed with the Bill and I hope in the generosity of his mind he will forgive me for that.

Regarding the speeches of my friends Mr Khuda Bukhsh and Mr. Rahman I found them criticise the sections and whatever I have got to say in this regard I will say when those amendments are moved and are open for discussion. Regarding Mr. Jyoti Basu, I confess, Sir, I was pleasantly surprised at his moderation. There was marked absence of his usual abuses and vituperation. I do not know whether it is due to his advancing years or the dawning of sense but, whatever it is, I congratulate him. Sir, Mr. Basu has moved a motion proposing circulation of this Bill for public opinion but I do not think it necessary to circulate this Bill. The Ordinance on which this Bill is based has been before the public for a long time. The press which reflects public opinion has supported the steps we have taken to supress the subversive activities of the lawless elements. Two elections have been fought in which our opponents made this the principal issue. In the Malda election I was called the hangman and I was also called a murderer because it was alleged I was responsible for all the atrocities committed under this Act. Therefore it cannot be said that the West Bengal Security Bill or the measures we have taken to suppress these lawless elements were not before the public. They were before the public. In both the elections, the party of chaos and anarchy had been routed. Their candidates had to forfeit their security money. I have no doubt whatever in my mind that the public has supported us, is supporting us and will continue to support us in our attempt to prevent chaos and anarchy in this Province. (Cheers from the Treasury Benches.) We are told that we are not only enacting the Ordinance, but we are also making some of the sections somewhat stringent. That is true. That is a regrettable necessity. The situation in this Province requires stringent measures if we are to save this Province of West Bengal from anarchy. Let us examine the situation outside the border of India—the situation in South-East Asia. It is apparent to every intelligent observer of current events that this preaching and preparation for violent seizure of power is not peculiar to India or

to Bengal. It is part of an international plan. If anybody has any doubt, let him look to China with twenty years of civil war; let him look to the recent events in Java; let him look nearer home to Burma where ministers after ministers are being assassinated by these forces of disorder. Burma today is torn by sanguinary civil war. Burma freed herself from the Japanese. Burma freed herself from the British domination but where is her independence today? Her independence is disappearing in a sea of blood; that is the condition in Burma today. We find anarchy creeping towards Bengal from Burma through Arakan and I have no doubt in my mind that we would have the same experience here if we had not been alert from the beginning. Even now we do not know what may happen if we allow the forces of disorder to get the upper hand.

I hope the honourable members will bear in mind the situation in this Province when the West Bengal Security Act was enacted first and the situation now. Mahatmaji had not been assassinated then. The love and gratitude of an entire nation could not protect him from the hands of an assassin. There was no R.S.S. at the time, at least not much activity. There was no trouble like the one we had in Hyderabad and which fortunately had ended without much bloodshed. But let us not forget that the situation in our eastern border is not peaceful. Occasional troubles are taking place and we have to take drastic steps to prevent infiltration of undesirable elements from beyond the border. We have to be careful in the border districts.

Some friends have expressed misgiving lest this Act be used to suppress legitimate trade union activities. I can assure them with all the sincerity I possess that there is no apprehension for that. So far as industrial strikes are concerned—strikes which are declared under the Trade Disputes Act—the Public Security Act can have nothing to do with them. But there again we sometimes find that where there is a trade dispute because of just grievances of labour, there are mischievous people who want to utilize the situation by misleading the workers into violent and illegal actions. Assaults on officials, forcibly compelling the officials to agree to terms dictated by the workers, these are activities which no Government can tolerate. Nor can we tolerate the anti-social activities of smugglers and blackmarketers. We have found the ordinary law inadequate to deal with these blackmarketers. Everybody knows that it is impossible to get evidence—evidence such as would convince a court of law—that a person is guilty of smuggling or blackmarketing. We had to take recourse to the Security Act and if necessary we intend to take recourse to this Act increasingly for prevention of smuggling and blackmarketing. (Cheers from the Treasury Benches.)

The worst feature of these parties of chaos is their new programme of capturing and collecting arms. For the information of the House I will place before them the arms, category by category, we have been able to seize—

Moffusil.—Revolvers—country-made 5, foreign 39; pistols—country-made 14, foreign 74; guns—foreign-made 26 and country-made 96; we have not got the figures, district by district.

Janab MD. KHUDA BUKHSH: Does that include Murshidabad?

The Hon'ble Dr. BIDHAN CHANDRA ROY: Yes, it also includes Murshidabad.

The Hon'ble Sri KIRAN SANKAR ROY: I have not got the figures, district by district, but I know that Murshidabad is also included.

Janab ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, will you please have the microphone working? We cannot hear him from here.

The Hon'ble Sri KIRAN SANKAR ROY: But I think I am sufficiently audible.

Then we had rifles—foreign-made 28 and country-made 2, ammunition—live 18,888 and empty 339, bombs 575, foreign hand-grenades 38, bayonets 9 and daggers 110, and so on which I need not read out. Other weapons were also seized, viz., sten-guns, foreign-made 15, sten-guns, country-made 4, machine gun 1, a machine gun is a much more powerful instrument than sten-guns, Tommy-gun which is used in the Army 1, pistol magazine 7, carbide magazine 16 and there were also gun-magazine and gun-barrels and others which I need not go into.

In Calcutta we have seized 55 guns, 41 revolvers, 9 rifles, 43 pistols, 508 bombs, 11,271 ammunition and others 173.

Now, Sir, members will realise that we have seized only a fraction of the unlicensed weapons which are in the hands of gangsters Our difficulty has been to get evidence and to fix the responsibility on definite persons. The House will remember the incident of Dixon Lane. The facts were more or less undisputed, but it was impossible to get at the culprits because no witness was forthcoming. The House will also remember the death of Sub-Inspector Ramesh Chandra Sarkar who was murdered in a public meeting in the Maidan. I will not say much about it not because it is *sub-judice* but because it is under investigation which is quite different from a *sub-judice* case. But let us not forget that the officer was murdered before quite a number of people and yet the assailant or assailants escaped. There must have been some man or men who knew how to use the revolver and he or they used it with deadly effect. Another incident which I would like to place before this House is the snatching away of the revolver of the guard of the Hon'ble Sri Mohini Mohan Barman. I find that my friend Mr. Rafique is amused to hear it.

Shaik MOHAMAD RAFIQUE: I am amused because you do not know how to use it and because it was in incompetent hands (laughter).

The Hon'ble Sri KIRAN SANKAR ROY: In your hand it would have been more useful, I believe! (Laughter.)

It is obvious, Sir, that the scheme which was adopted during the South-East Asian League in Calcutta is now being put into execution. Another feature of the new programme is that attempts—persistent attempts—are being made to corrupt the police. Anybody who reads the numerous pamphlets that are being circulated and also the posters will find appeals to the police to join the party of disorder and overthrow the State. I have got several pamphlets here with me but I do not know whether I shall have time to read them to the House. Fortunately, this has no effect. But no Government can sit idle while these attempts are being made to overthrow the State by violence.

Heaven knows, along with the rest of the world we have our difficulties—financial difficulties due to inflation, due to less production, due to our industrial backwardness and also due to corruption and the Government is hard put to it to meet these difficulties. But here are factions—and let me say, it is not the Communist party only—who are trying continually to exploit the situation. If there is procurement to be made they go and try to prevent procurement of foodstuffs; if, due to want of supply, the Government is forced to cut down ration, they go and try to excite people for that. They encourage illegal strikes everywhere and stop production and at the same time blame the Government for scarcity of commodities. Wherever there are grievances, and there are grievances almost everywhere, you will find these gentlemen working underground exciting people to violence. If students have any grievance for percentage of failures, these gentlemen are there to excite them. If the refugees are dissatisfied or there is a feeling between Bengalees and non-Bengalees you will find these gentlemen fomenting trouble. The whole purpose of these factions is to create chaos and capture power by violence.

As I have stated before, as long as the people will have confidence in us, we shall use our strength—such strength—as the people will give us—to prevent disorder and lawlessness turning this fair province of Bengal into a battlefield for factions. We have been accused of using the Security Act to put down our opponents. This is utterly false. Who are our political opponents? I consider those as our political opponents who want to get into power by free votes of the people. We shall not use any of our powers against them. The Congress has freed India from foreign domination. But this is only preliminary work. Much more difficult task is ahead of us. To make independence a real independence there must be not only political freedom, but freedom from want, freedom from unemployment and freedom from fear. The Congress has a plan and has a programme and has necessary leadership. If another party can produce a better programme and a greater ideal and better leadership and if the nation accepts their programme and leadership in preference to the Congress programme, we will have nothing to say. We know that democracy acts in that way. But this will have to be done through franchise. The factions which we are fighting today are not parties which believe in democracy, which believe in franchise. Knowing themselves to be in minority, finding themselves hopelessly beaten in elections, these parties which are minority parties, want to get into power by intimidation and violence. We are prepared to take up the challenge on behalf of the majority. We are prepared to take up the challenge in the name of democracy. We shall not allow the minority to coerce the majority. Some people talk about suppression of civil liberty. Who suppresses civil liberty? Not we, not the Congress. It is this minority, this faction—unscrupulous and dishonest, which does not believe in democracy—not in civil liberty—let them look to Russia if there is any civil liberty there—it is this minority which wants to crush all liberties and thrust a totalitarian Government over an unwilling nation. And if there is anarchy, will civil liberty survive? Whose civil liberty will be saved? Anybody with a Bren gun here will control the civil liberty of every member of this House. Anybody with a Bren gun will control the civil liberty of every man in the province. We mean to prevent that. We want to eradicate violence. We want to ensure civil liberties so that democracy can have full play. Democracy can only function in non-violence atmosphere.

I consider, Sir, therefore, that the motion of Mr. Basu is a dilatory motion and has nothing to do with the merits of the Bill and I oppose it.

The motion of Sri Jyoti Basu that the West Bengal Securisty (Amendment) Bill, 1948, be circulated for the purpose of eliciting public opinion by the 30th November, 1948, was then put and a division taken with the following result:—

AYES—11.

Abdul Wahid Sarkar, Janab.
Abdur Rahman, Janab A. F. M.
Abdur Rahman Siddiqi, Janab.
Basu, Sri Jyoti.
Brahmin, Sri Ratanlal.
Husan Ara Begum, Janab.
Khuda Bukhsh, Janab Md.
Mahammad Sayeed Mia, Janab.
Mohammad Rafique, Shaik.
Molla Mohammad Abdul Halim, Janab.
Mudassir Hossain, Janab.

NOES—49.

Bandopadhàya, Sri Pramatha Nath.
Banerjee, Sri Sueil Kumar.
Banerji, Dr. Suresh Chandra.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Chatterjee, Sri Haripada.
Choudhury, Sri Annada Prosad.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Clarke, Mr. C. E.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Deloi, Sri Harendra Nath.

Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Gomes, Mr. D.
Haidar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan.
Maiti, The Hon'ble Sri Nikunja Behari.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mallick, Sri Ashutosh.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mookerjee, The Hon'ble Sri Kalipada.
Muhammad Qumruddin, Janab.
Mukherji, Sri Dhirendra Narayan.
Murarka, Sri Basantlal.
Nandy, Sri Sris Chandra, of Cossimbazar.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Pentony, Mr. L. R.
Platel, Mr. R. E.
Poddar, Sri Anandilal.
Roy, The Hon'ble Dr. Bidhan Chandra.
Roy, Sri Jajneswar.
Roy, The Hon'ble Sri Kiran Sankar.
Sen, The Hon'ble Sri Prafulla Chandra.
Shamsul Huq, Janab.
Sinha, The Hon'ble Sri Bimal Chandra.

The Ayes being 11 and the Noes 49, the motion was lost.

The motion of the Hon'ble Sri Kiran Sankar Roy that the West Bengal Security (Amendment) Bill, 1948, be taken into consideration, was then put and a division taken with the following result:—

AYES—43.

Bandopadhaya, Sri Pramatha Nath.
Banerjee, Sri Susil Kumar.
Banarji, Dr. Suresh Chandra.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Chatterjee, Sri Haripada.
Choudhury, Sri Annada Prosad.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Gayen, Sri Arabinda.
Ghose, Sri Bimal Comar.
Gomes, Mr. D.
Haidar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan.
Maiti, The Hon'ble Sri Nikunja Behari.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mallick, Sri Ashutosh.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mookerjee, The Hon'ble Sri Kalipada.
Mukherji, Sri Dhirendra Narayan.
Nandy, Sri Sris Chandra, of Cossimbazar.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Pentony, Mr. L. R.
Roy, The Hon'ble Dr. Bidhan Chandra.
Roy, The Hon'ble Sri Kiran Sankar.
Sen, The Hon'ble Sri Prafulla Chandra.
Shamsul Huq, Janab.
Sinha, The Hon'ble Sri Bimal Chandra.
Walker, Mr. J. R.

NOES—7.

Abdul Wahid Sarkar, Janab.
Abdur Rahman, Janab A. F. M.
Abdur Rahman Siddiqi, Janab.
Basu, Sri Jyoti.
Brahmin, Sri Ratanlal.
Khuda Bukhsh, Janab Md.
Mohammad Rafique, Shaik.

The Ayes being 43 and the Nos 7, the motion was carried.

Clause 1.

Sri JYOTI BASU: I move that in clause 1(2), lines 3 to 7, the words beginning with "but the provisions" and ending with "had been in force" be omitted.

Mr. Speaker, Sir, as you will realise, this particular provision which is being sought to be moved by Government is vindictive in spirit and nature, because it suggests that certain sections like sections 6, 7 and 8 will have retrospective effect. That is to say, persons, for instance, who are detained at the moment without trial and whose cases have been looked into by a High Court Judge may be kept on in detention for another period if Government so wishes and they may send up the papers to the Judge for

further detention. Similarly, in the case of certain restriction orders under the same provisions which might have expired within one or two months, these will automatically be renewed if this particular section of the Bill has retrospective effect. As you will realise, Sir, for instance, I have been served with certain restriction orders after a High Court Judge released me and those orders are amongst others that I shall not speak at public meeting and so on and so forth. Now in the ordinary course the Government had no business to give me such an order when they had given all the charges that were against me and I had given my replies. Those charges and my replies were looked into by a Judge of the Calcutta High Court. But thereafter as I came out of the jail gate, I was served with that restriction order by which I could not even go to the workers who elected me to this Assembly and I could not do my duty as a member of the West Bengal Legislative Assembly, but, Sir, now what is being sought to be done is that not only I but different people, about 70 people, who came out with me from the jail, released by the High Court Judge—they were all given such restriction orders. Under the Security Act these orders can continue for three months; under the Ordinance they can continue for six months; and now we are told they will continue for nine months and after that they may again be renewed with the renewal of the provisions of the Security Act. Similarly, there is another section, *i.e.*, section 18 by which Government is bound to give a charge-sheet to the person who is detained within a particular period of time. Now that is being extended. The time within which a charge-sheet had to be given against a person was 15 days, and now it is one month, and it is said that this section will have retrospective effect. There is a purpose behind it. This is in order to hide the inefficiency of the Government and their officers. Sir, I will give you an example. When I was in jail I was given a charge-sheet with just two charges, namely, that I was a member of a party engaged in anti-State activities and, secondly, that I belonged to the provincial committee of the Communist Party. When my case came up before the High Court on a *habeas corpus* petition, Government from Writers' Buildings sent me a fresh charge-sheet called supplementary charge-sheet signed by Mr. R. Gupta, I.C.S., and that was given to me not within 15 days as required by the Act but, illegally and improperly, after about more than a month. I wrote a letter to Government asking them to make up their mind about the charges against me so that I could reply to them together, instead of their giving me charge-sheets every other day. Government wrote me back saying that they had made up their mind and that these were the final charges against me. However, I did not take any notice of those silly charges which were given to me illegally and improperly.

Now, Sir, this particular section extends the time within which the charge-sheet is to be issued to the security prisoners and the defect is being rectified by this present section and it is said that because Government officers were inefficient and because the Government sinned against those prisoners who were detained and who were improperly given the charge-sheet not within 15 days but thereafter, they want to wash it away now by extending the time for the submission of charge-sheets in future cases. In the ordinary course those gentlemen should have been released from the jails because of this inefficiency of the Government and because the officers who were dealing with the security prisoners had not even read the Security Act which was passed in this House. Therefore I have given my amendment in order that that may not happen again. This Act is bad enough and so at least retrospective effect should not be given with regard to those particular sections. That is the main purpose of my amendment and I hope it will be accepted.

The Hon'ble Sri KIRAN SANKAR ROY: Sir. I oppose this.

Shaikh MOHAMMAD RAFIQUE: Sir, may we know the reasons why the Hon'ble Minister is opposing the amendment?

Mr. SPEAKER: I cannot compel the Hon'ble Minister to do so.

The motion of Sri Jyoti Basu that in clause 1(2), lines 3 to 7, the words beginning with "but the provisions" and ending with "had been in force" be omitted, was then put and lost.

The question that clause 1 do stand part of the Bill was then put and a division called.

(When the division bell ceased ringing,)

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, may I make a suggestion about the taking of a division itself? My suggestion is what will be found in Appendix VII of the Regulations made by the Hon'ble Speaker under the West Bengal Legislative Assembly Procedure Rules. In the proviso to rule 3(*b*) it is laid down: "Provided that the Speaker may, in his discretion, instead of taking votes as provided for in Order 3(*b*), call on the Ayes or the Noes to rise in their seats and may, thereafter, on counting the persons who rise in their seats, either declare the determination of the House or direct the division to be taken through the lobbies in the manner as provided for in Order 3(*b*)".

Now, Sir, my submission would be that, if you find that this sort of calling a division is only an abuse of the right to call a division, then, Sir, you may be pleased to count the votes by allowing us to rise in our seats.

Sri JYOTI BASU: Mr. Speaker, Sir, I rise on the same point and I should like to make a submission that we have been following the same old practice for so long in this House and you have not so far interfered with the usual procedure under which we have been carrying on and I hope there will be no departure from that practice now. Now only the Hon'ble Minister seems to think that this is an abuse of the rules, but, Sir, so far we have been carrying on in that fashion. I therefore submit, Sir, that you would not at this stage change that particular procedure.

Mr. SPEAKER: I do not propose to exercise that discretion at this stage specially when the Government also does not press it. It is an unusual procedure that must be adopted only in extreme cases.

The question that clause 1 do stand part of this Bill was then put and a division taken with the following result:—

AYES—45.

Bandopadhaya, Sri Pramatha Nath.
Banerjee, Sri Susil Kumar.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Chatterjee, Sri Haripada.
Choudhury, Sri Annada Prosad.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Ghose, Sri Bimal Oomar.
Gomes, Mr. D.
Haidar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan.
Maiti, The Hon'ble Sri Nikunja Behari.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mallick, Sri Ashutosh.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mookerjee, The Hon'ble Sri Kalipada.
Muhammad Qumruddin, Janab.
Mukherji, Sri Dhirendra Narayan.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Pentony, Mr. L. R.
Roy, The Hon'ble Dr. Bidhan Chandra.
Roy, Sri Jajneswar.
Roy, The Hon'ble Sri Kiran Sankar.
Sen, The Hon'ble Sri Prafulla Chandra.
Shamsul Huq, Janab.
Sinha, The Hon'ble Sri Bimal Chandra.
Walker, Mr. J. R.

NOES—6.

Abdur Rahman, Janab A. F. M.
Abdur Rahman Siddiqi, Janab.
Basu, Sri Jyoti.
Brahmin, Sri Ratanlal.
Khuda Bukhsh, Janab Md.
Mohammad Rafique, Shaik.

The Ayes being 45 and the Noes 6, the motion was carried.

Clause 2.

Sri JYOTI BASU: Sir, I beg to move that in clause 2(*1*) in the proposed clause (*1*) of section 2 of the Act, lines 2 to 5, the words beginning with "and includes" and ending with "of the community" be omitted. I also move that clause 2(*2*) be omitted.

Sir, I beg further to move that in clause 2(*4*), item (*b*) be omitted.

Sir, last time when the Security Bill was being debated in this House I asked for certain clear——

Janab SYED BADRUDDUJA: Sir, it is time for prayer. I think the House should adjourn.

Mr. SPEAKER: Mr. Basu, you go on.

Sri JYOTI BASU: As I was saying, Sir, last time when the Security Bill was being debated in this House I asked for certain clear definitions of essential commodity, essential employment, and so on, as I felt that this was very vital, especially so far as the workers' movement was concerned. But in spite of wanting such clear definitions, if you will look into the original Bill you will find that it has been defined in a way which leaves certain things very vague, i.e., that public servant includes any public servant as defined in the Indian Penal Code and no other servant or legal authority or the railway administration. Thereafter, as far as essential commodity goes, the definition has been given. It means food, water, fuel, light, power, or any other thing essential for the existence of the community which is notified in this behalf by the Provincial Government. But a very vital change has been introduced in this particular substitution which is being suggested in section 2 of this new Bill: essential commodity is defined as not only food, water, fuel, light or power or any other essential commodity; there is no limitation, and it has said that it includes certain other things to be declared by the Provincial Government by notification to be essential commodities for the life of the community. Similarly it includes any person engaged in any employment or any class of employment which the Provincial Government may from time to time declare essential to the life of the community. Now, this change means that Government is not prepared to stand an objective test of these definitions because if they limit the definition by saying that a particular job or service is essential, then it would be impossible for them to declare any and every thing under the sun as essential. But the Government, as we have seen during the last few months, is afraid and is panicky of any objective tests as far as these particular definitions are concerned because in that case it would mean that supposing Government under this section were to declare a particular service as essential, then it would be within the right of a citizen to take the Government to court and ask for the interpretation of this particular section as to whether it is really an essential service or essential commodity. Therefore the Government being afraid of that now wishes autocratically to arrogate powers to itself and to so declare that any time anything that they wish will be essential service or essential commodity, and thereby they will prevent any worker from going on strike.

Mr. Speaker, you will realise that the Government say—just now the Hon'ble Sri Kiran Sankar Roy said when he was delivering a lecture—that the people need not be afraid that Government would suppress the legitimate Union activities. But, Sir, the people are afraid because the

people are no longer talking theoretically but they have had actual experience of the working of the West Bengal Security Act: they have seen how when the *Amrita Bazar Patrika* strike, for instance, was going on, not once but so many times workers were arrested under the Security Act and then after a little while they were released and rearrested under the Security Act. That, Sir, was of course a legitimate strike and they had every right to go on strike yet the Hon'ble the Home Minister tells us that he has facts as if we do not talk about facts, as if he is the only honourable gentleman who gives us facts and we just talk in the air. But, Sir, here are facts and I can give you more facts. That is why I suggest that these two particular clauses should be deleted, and essential service and essential commodity should be so defined that there must be an objective test so that in the court the judge will decide whether we have acted rightly or not. Otherwise it is no use for Government frightening us about Malay, Burma, China, and so on and arrogating to itself such autocratic powers. People will not give the Government such powers, I know. At the same time I know what the fate of my amendments is going to be, but still I would suggest that this particular clause be deleted and the proper, at least the old, definition that is there may remain; otherwise it will be taking away all power from the court of justice.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Sri JYOTI BASU: Mr. Deputy Speaker, I was on my legs. I was speaking on a particular amendment. I had not finished when the House rose for prayer.

Mr. DEPUTY SPEAKER: Yes, you go on

Sri JYOTI BASU: Sir, I find to my surprise that this particular amendment has also been suggested as well as the earlier amendment which I moved to clause 2 by Sri Hemanta Kumar Basu and Sri Charu Chandra Bhandari of the Congress. But, of course, they are certainly not going to move those amendments because they have been told, I think, in the Congress Party meeting about the great revolutionary upsurge—chaos and disorder, as they would call it—that is going on in Burma, Malay, Singapore, China and what not and which has also come up to Assam and some such thing. So, I think, like little children the members of the Congress benches have been a little frightened to move these amendments whereby the liberty of the subject would remain a little bit intact. However, as they are not going to move these amendments, I shall have to move mine.

Now, Sir, as you will remember, when the last Security Bill was being debated here, there was a particular section answering our doubts and fears which we had raised that this Act would be used against strikers and against strikes which arise out of trade disputes. Now, in this particular amendment, which is suggested to that Security Act, any strike, it is said, which is illegal under the Industrial Disputes Act, 1947, shall not be deemed to be an industrial dispute for the purposes of sub-clause (*e*), *i.e.*, it is meant to help the employers by paralysing every movement of the employees and workers. The law of Democratic Free India unfortunately is that the employers have the right to hire as well as fire workers at their own sweet will. That law has not been changed. As unionism spreads amongst the workers, this right is going to be and is being freely used by the employers to sack union leaders in the attempt to disrupt unions. The Congress Government which compares itself sometimes and compares its actions sometimes to the actions of the Soviet Union where it says the enemies of the State would have been shot—referring to me it says so—tells me that it is doing me a great favour by not shooting me but by keeping me in jail. That seems to be its argument whenever it opens its mouth, but I should remind it that in the Soviet Union there are no

employers who can hire and fire workers at will. Therefore, it is useless comparing this present Government with that Socialist Government in that country. Here, for instance, what happens is this, as happened in Writers' Buildings in July. There was a demonstration because a particular employee was discharged and he was told by the Hon'ble Premier that he was discharged because, for instance, the Premier did not like the colour of his skin, *i.e.*, he did not want to tell the reasons as to why he was discharged. He said that it was the sacred and fundamental right of the employer to discharge an employee. (The Hon'ble Dr. BIDHAN CHANDRA ROY: I did not say so.) That came out in the papers and there was no contradiction.

Now, all of a sudden it may so happen that 13, 14 or 20 or even one employee is discharged. The Union Secretary or some such employee is discharged by the Government or by the employer or their rations are stopped all of a sudden, as happen sometimes in the tea gardens or in other places—on the railways also—or a worker or an employee may be insulted or beaten up by the officers. Now, there it is impossible for the workers to wait for 15 days to give strike notice and go through all these sorts of cumbrous procedure. There sometimes they resort to protest strike for one minute, two minutes, ten minutes, twenty minutes, half an hour or one hour just to draw the attention of the Government and the people to the state of affairs which prevails in particular departments or industries. But under this new section which is being added to the old Security Act, any such demonstration or strike of a like nature which I have just stated would not only become illegal but action would be taken under the Security Act in future. So, whatever the Government might tell us, this is certainly to the advantage of the employer because as we all know in our country as in other capitalist countries the employees and workers are always at a disadvantage in their fight against the employers and other Government departments which employ them. On top of that, if such laws are put on the statute book, it would mean that it would be practically impossible for them to have these protest strikes in order to draw the attention of the country to the terrible wrongs that are being committed against them. Therefore, I have suggested the deletion of this particular clause which is suggested by the Government and I think that was also the reason—which induced the ex-Civil Supplies Minister—also to give a similar amendment. Many members probably of the Congress benches feel that what I am saying is correct and logical, but, after all, there are Malay and Burma and I do not know what other countries were named all over the world where terrible things are happening and a few tommy guns and sten guns and what not have been seized from some people and people probably very much connected with the Congress organisation, but that the Hon'ble Minister did not tell us. He told us about Dixon Lane. He said nothing could be done. We know nothing was done and we have not got any justice because a Communist was killed. But the point is, by bringing forward these amendments, it seems, the members of the Congress benches who brought forward these amendments also wanted to say something, but they are being frightened, they are being terrorized and not being allowed to move their amendments. But I am glad again that they did think that such amendments were necessary and I also suggest that the people in our country—specially the workers who will be adversely affected, because of this particular section in their war against the employers—will also support my contention that this particular section should be deleted. Government will, of course, get up and say "We cannot accept it". But there is no answer to this. I tell them you may talk about Burma, Ceylon, China, Singapore and so on—your British friends may terrorise the Malayan people—but that will not help to explain this particular clause. Why the worker's right to strike is being taken away, why his right to protest is being taken away, by this particular clause, will not be explained. It may be said why should [illegible]

The point is that these protest strikes, these sympathetic strikes and demonstrations do take place, and Government have got power by which they can take action against these particular strikes. But these are strikes arising out of trade disputes which nobody can challenge—strikes taking place because rations are not being given, pay is not being given at the proper time, a particular employee is being sacked. These are disputes arising out of trade relations with the employers. These are now being made impossible under this Act. I know that Government will try to hoodwink the people by raising all sorts of bogey. I have got Sri Kiran Sankar Roy's speech with me; whatever he might have said, he has not explained why these particular clauses are there. Of course if you say that the emergency is such that the Communists are marching on West Bengal, then for God's sake ask your Governor-General to proclaim the emergency and rule according to that proclamation. But why is it that emergency exists only in Bengal and not in India? Why only in Bengal is this danger being apprehended? That is why I say that this sort of talk will not convince anybody. I know that through the press and through the radio Government can have their propaganda against the people, but that will not help, because people are politically-minded and they understand the significance of these things. Even if Government do not accept my suggestions, I am sure that the people will understand what I mean. The workers and the *kisans* will support me and the people in general will support me and the amendments which I have suggested for the deletion of certain sections.

Mr. DEPUTY SPEAKER: May I take it that you have moved amendments Nos. 3, 52 and 5?

Sri JYOTI BASU: Yes, I have moved them.

Sri HEMANTA KUMAR BASU: ডেপুটী স্পীকার মহোদয়, আমার নামে যে amendments আছে তা আমি move করতে চাই না, তবে এই সম্পর্কে আমি দু-একটি কথা বলতে চাই। আপনারা সকলে জানেন যে আমি Congress Partyতে belong করি, এবং আমার amendmentগুলি আমাদের Partyতে আলোচনা হয়েছে এবং party যা decision করেছে----

Mr. DEPUTY SPEAKER: Are you speaking on the motion ?

Sri HEMANTA KUMAR BASU: I am speaking on a personal explanation. জ্যোতি বোস মহাশয় আমার উপর যে reflection করেছেন তার উত্তরে আমি দু-একটা কথা বলতে চাই। আমি আমার amendments move করছি না, তার কারণ আমাদের party meetingএ এ-সম্পর্কে বিস্তারিত আলোচনা হয়েছে,----(interruption from opposition benches)----কিন্তু জ্যোতি বাবু যেন মনে রাখেন----

The Hon'ble Dr. BIDHAN CHANDRA ROY: He is speaking on a matter of personal explanation.

Mr. DEPUTY SPEAKER: You cannot discuss party matters here. You can speak on a point of personal explanation.

Sri HEMANTA KUMAR BASU: তিনি আমাদের উপর personal reflection করেছেন, সুতরাং তার উত্তরে কিছু বলবার অধিকার নিশ্চয়ই আছে। তিনি আমাদের সম্বন্ধে যে জঘন্য মিথ্যা উক্তি করেছেন তার প্রতিবাদে, personal explanation হিসাবে আমি বলতে চাই যে---- (interruption).

Shaik MOHAMAD RAFIQUE: Why is the Chief Whip standing there?

The Hon'ble Dr. BIDHAN CHANDRA ROY: That is his lookout. What have you got to do with that?

Sri JYOTI BASU: Sir, before the personal explanation is given, I would like to submit that notices of amendments were given by the honourable member and if a personal explanation is required by the member, he

has every right to do that; I do not mind that. But in that case if ever my name is mentioned, then you should allow me, Sir, to give an explanation.

Sri HEMANTA KUMAR BASU : তিনি আমাদের reputation সম্বন্ধে জঘন্য উক্তি করেছেন। তিনি ইহাই বলতে চেয়েছেন—আমরা বিচার-বুদ্ধিহীন ভাল ছেলের মত গভর্ণমেণ্ট যা বুঝিয়ে দেন তাই আমরা মেনে চলি। এটা আমি personal reflection বলে মনে করি।

Mr. DEPUTY SPEAKER : That is enough.

Sri HEMANTA KUMAR BASU : আমি মনে করি যে জ্যোতি বোস যে partyকে represent করেন সেই party আজ ভারতবর্ষে যে স্বাধীনতা এসেছে তাকে ধ্বংস করবার জন্য এবং বিদেশীর হাতে তুলে দেবার জন্য কংগ্রেস গভর্ণমেণ্টের বিরুদ্ধে গুপ্ত ষড়যন্ত্র চালিয়েছে। ১৯৪২ সালে যখন সারা ভারতবর্ষে নূতন বৈপ্লবিক আন্দোলন জেগে উঠেছিল, ভারতের জনগণ যখন ভারতবর্ষের প্রকৃত স্বাধীনতা অর্জনের জন্য অগ্রসর হয়েছিল তখন এই বিশ্বাসঘাতকের দল কি করেছিল তা সবাই জানেন। বৃটিশ সাম্রাজ্যবাদের সঙ্গে হাত মিলিয়ে, তাদের পদলেহন করে জনগণকে শত্রুর হস্তে তুলে দিয়েছিল। আমাদের নেতাজী সুভাষ চন্দ্র Burma থেকে যখন ভারতবর্ষের স্বাধীনতা-সংগ্রাম সুরু করেছিলেন (applause) তখন এই বিশ্বাসঘাতকের দল বৃটিশ সাম্রাজ্যবাদের সাথে হাত মিলিয়ে, পিছন থেকে তাঁকে আঘাত করেছিল (noises and interruptions) আমি সেই দলের কোন লোকের সাথে থাকতে বা তার কোন কথা শুনতে চাই না। তিনি আমাদের উপর reflection করে বলেছেন যে আমাদের জ্ঞান নেই, বুদ্ধি নেই, আমরা ছোট ছেলের মত, আমাদের গভর্ণমেণ্ট যা বুঝিয়ে দেন তাই আমরা বোকার মত বুঝে নিই।

Mr. DEPUTY SPEAKER: You cannot say anything except on personal explanation.

Janab MD. KHUDA BUKHSH: Sir, the honourable gentleman rose to offer a personal explanation, but is all that permissible?

Sri HEMANTA KUMAR BASU: That is the explanation.

(Cries of "That is the explanation" and uproar.)

Janab MD. KHUDA BUKHSH: Sir, I want your protection. I am on a point of order.

(Cries of "you are always getting".)

The Hon'ble Dr. BIDHAN CHANDRA ROY: What is your point of order?

Janab MD. KHUDA BUKHSH: My point of order is this that the honourable gentleman rose to offer a personal explanation which he felt he owed to the House, because his name was mentioned by an honourable member in his speech. The trend of his speech, if you have noticed, Sir, I submit, was beside the scope of personal explanation. I want your ruling, Mr. Deputy Speaker, on this point whether this kind of speech is permissible by way of personal explanation.

Mr. DEPUTY SPEAKER: My ruling is that he was quite relevant in speaking something when there was an allegation against him.

Shaik MOHAMAD RAFIQUE: Sir, I want your ruling as to whether the word "traitor" is parliamentary. Is an honourable member entitled to call another honourable member a traitor?

Mr. DEPUTY SPEAKER: Please sit down. I am on my legs. I think the matter is finished. I won't allow any more discussion. Will you please take your seat?

(Cries of "take your seat, take your seat".)

Sri JYOTI BASU: Sir, I was going to ask whether certain word which the gentleman had used against me was parliamentary. He said that in 1942 I was a traitor.

Mr. DEPUTY SPEAKER: Mr. Basu, it is beyond the scope of this Bill. I won't allow this discussion to go on.

Sri JYOTI BASU: Sir, I want your ruling as to whether that particular word "traitor" is parliamentary or not.

Mr. DEPUTY SPEAKER: The word "traitor" is not parliamentary if it refers to any members of the House.

Shaik MOHAMAD RAFIQUE: Then will you please ask the honourable member to withdraw that word?

Mr. DEPUTY SPEAKER: If it appears in the proceedings, then that will be expunged.

The motion of Sri Jyoti Basu that in clause 2(*1*) in the proposed clause (*1*), of section 2 of the Act, lines 2 to 5, the words beginning with "and includes" and ending with "of the community" be omitted, was then put and a division taken with the following result:—

AYES—3.

Abdur Rahman Siddiqi, Janab.
Basu, Sri Jyoti.
Brahmin, Sri Ratanlal.

NOES—39.

Bandopadhaya, Sri Pramatha Nath.
Banerjee, Sri Susil Kumar.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Chatterjee, Sri Haripada.
Choudhury, Sri Annada Prosad.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Gomes, Mr. D.
Gupta, Sri J. C.
Haidar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan.
Maiti, The Hon'ble Sri Nikunja Behari.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mukherji, Sri Dhirendra Narayan.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Roy, The Hon'ble Dr. Bidhan Chandra.
Roy, The Hon'ble Sri Kiran Sankar.
Sen, The Hon'ble Sri Prafulla Chandra.
Shamsul Huq, Janab.
Sinha, The Hon'ble Sri Bimal Chandra.

The Ayes being 3 and Noes 39, the motion was lost.

The motion of Sri Jyoti Basu that clause 2(2) be omitted was then put and lost.

The motion of Sri Jyoti Basu that in clause 2(*4*), item (*b*) be omitted, was then put and a division taken with the following result:—

AYES—3.

Abdur Rahman Siddiqi, Janab.
Basu, Sri Jyoti.
Brahmin, Sri Ratanlal.

NOES—36.

Bandopadhaya, Sri Pramatha Nath.
Banerjee, Sri Susil Kumar.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Chatterjee, Sri Haripada.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Gupta, Sri J. C.
Haidar, Sri Kuber Chand.

Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mukherji, Sri Dhirendra Narayan.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Roy, The Hon'ble Dr. Bidhan Chandra.
Roy, The Hon'ble Sri Kiran Sankar.
Sen, The Hon'ble Sri Prafulla Chandra.
Shamsul Huq, Janab.
Sinha, The Hon'ble Sri Bimal Chandra.

The Ayes being 3, and the Noes 36, the motion was lost.

The question that clause 2 do stand part of the Bill, was then put and agreed to.

Clause 3.

Sri JYOTI BASU: Sir, I beg to move that in clause 3 in proposed section 5A(*1*) line 2, after the words "necessary or expedient" the words "on reasonable grounds" be inserted.

I beg to move that in clause 3, in proposed section 5A(*6*), line 4, for the word "years" the word "months" be substituted.

I beg to move that in clause 3, in proposed section 5B(*1*), line 2, after the words "or expedient" the words "on reasonable grounds" be inserted.

I beg to move that in clause 3, in proposed section 5B(*5*), line 4, for the word "years" the word "months" be substituted.

I beg further to move that in clause 3 in the proposed section 5C, line 10, for the word "years" the word "months" be substituted.

Sir, in moving these amendments on this particular section I should at the outset like to state that here also as in other clauses which we have dealt with so far, the dice is heavily loaded in favour of the capitalists and the landlords and against the workers and the *kishans*, because what is suggested in this new section is that if there is any stirring amongst workers and *kishans* and if they dare put forward any demand for better livelihood against vested interests, then in those particular places where the *kishans* and workers live and work those areas and places will be protected by the Government or their agents against the activities of the workers and *kishans*. As soon as these three sections come into force with regard to particular places special police will be posted and this lawless law will be freely used and will be available to disorganise and smash up the organised movement of the workers and the *kishans*. Now, section 144 of the Code of Criminal Procedure has been used by the British in such cases where there was a likelihood of disturbance and it is now being used by the Congress Government as well, but it seems that to the new democrats sitting there opposite in the Congress benches these powers under the Criminal Procedure Code are not sufficient. In case, for instance, the bosses of a particular industry like jute or tea decide that they cannot or will not improve the lot of the workers or they decide on mass retrenchment or not to raise the wages of workers, in that case it is well known that as yet the people are not so cowed that they will not fight against these conditions imposed upon them by the owners, the industrialists, the landlords, and so on. Therefore the Government are arrogating to themselves special powers and they are giving an unholy assurance to the owners and the rich that their state, that the state of the vested interests will be looked after by the Congress Government. I have tried therefore in my amendment to minimise the severity of this particular section by suggesting that only if there are reasonable grounds then any area or place can be declared a protected place or area, that is to say, I am suggesting an objective test, that is, a test which can be fought out in a court of law. That is, if all of a sudden the Government take upon their heads that they are to declare a particular place a protected area because the workers are preparing to go on a legal strike under the Trade Disputes Act, then if my amendment is accepted it will mean I can go to court and the court will decide whether

there is reasonable ground for declaring a particular area as a protected area or a protected place. Of course, the Government, I know, cannot and will not accept this objective test which I am suggesting. In my amendment I also suggest in place of a savage punishment that is being suggested a lighter sentence and a lighter punishment.

In this connection I would like to point out that my contention is correct and the contention of the Government is incorrect. I have reserved my speech in answer to the Hon'ble Sri Kiran Sankar Roy and others who spoke today, for the third reading. Even today I can say, when they make out a case of revolution taking place everywhere, chaos and disorder taking place outside Bengal or outside India, in other parts of the world, they are looking round at the whole world and they see the spectre of revolution all round, that that is not supported by what they are doing in this particular Bill, because we see in this particular Bill that every particular clause which was there in the last Act which had anything to do with concessions to the workers or the employees or the struggling masses in the villages, those particular rights are attacked and are being taken away by this particular Bill, clause by clause, as I shall try to show you when I go on to the other clauses. It would have been much better if the Government, instead of trying to hoodwink the people, told us that a communist revolution is on, although the people do not see that, and therefore it is necessary to have emergency powers and then the Governor-General could have declared an emergency in the whole of India and West Bengal as well and suppressed the communists. The Government could have made out that there is a civil war declared, so powers are necessary and we would not have to be put to this trouble of going through clause after clause of the Bill in trying to amend the Security Act which is there. Now as soon as the people read this particular Bill they will ask why is it that when the Hon'ble Sri Kiran Sankar Roy makes out a case of Malay, Burma, China, and so on and so forth, the India Government do not take action in that manner; why is it that they do not recognise these facts which are seen by so far-sighted a gentleman, a Minister like Sri Kiran Sankar Roy that there is a revolution in Assam and it is marching through somewhere and it is entering West Bengal—he sees all these things and the other people sitting in Delhi do not seem to have any such information.

We are also told about collection of arms. Those arms mostly have been collected from people who are members of the Congress. (A MEMBER FROM THE CONGRESS BENCHES: Question!) They know it. It is no use questioning, but the point is that these people are not arrested. That is why the Hon'ble Home Minister has said it is rather difficult to put them up before a court of law, there is not sufficient evidence. Because most of the people from whom those arms have been found are Congressmen—and they have been paid by some of these gentlemen of the Congress—that is why it is not possible either to arrest them or to put them up before a court of law. They might tell in that case who are the financiers. If they are taken to court they might say that they were asked to use those arms against the communists, to break up their meetings. That will create a lot of trouble. Therefore the Ministers, in order to get rid of all that, are quietly keeping it in the dark as to from whom they collected those arms. I would like to know whether a single arm, a single revolver has been collected from a member of the Communist Party. By all these words and phrases which have been talked about by the Home Minister, he is trying to divert our attention from this Bill, and from the particular clause—clause 3—about which I have just now mentioned which is meant to suppress people's movement everywhere, because this is a capitalistic State and they know it. I know my amendment will not be accepted.

Sri D. N. MUKHERJI: I beg to move that in clause 3, in proposed section 5C, line 10, for the words "seven years" the words "five years or with fine or with both" be substituted.

I also move that in clause 3, in proposed section 5A(*4*), in line 4, after the word "vessel" the word "animal" be inserted.

The Hon'ble Sri KIRAN SANKAR ROY: I accept these amendments.

The motion of Sri Jyoti Basu that in clause 3 in proposed section 5A(*1*), line 2, after the words "necessary or expedient" the words "on reasonable grounds" be inserted, was then put and lost.

The motion of Sri Jyoti Basu that in clause 3, in proposed section 5A(*6*), line 4, for the word "years" the word "months" be substituted, was then put and lost.

The motion of Sri Jyoti Basu that in clause 3 in proposed section 5B(*1*), line 2, after the words "or expedient" the words "on reasonable grounds" be inserted, was then put and lost.

The motion of Sri Jyoti Basu that clause 3, in proposed section 5B(*5*), line 4, for the word "years" the word "months" be substituted, was then put and lost.

The motion of Sri Jyoti Basu that in clause 3, in the proposed section 5C line 10, for the word "years" the word "months" be substituted, was then put and lost.

The motion of Sri D. N. Mukherji that in clause 3, in proposed section 5A(*4*), in line 4, after the word "vessel" the word "animal" be inserted, was then put and agreed to.

Sri D. N. MUKHERJI: Sir, there will be some consequential changes.

Mr. DEPUTY SPEAKER: That can be done afterwards.

The motion of Sri D. N. Mukherji that in clause 3, in proposed section 5C, line 10, for the words "seven years" the words "five years or with fine or with both" be substituted was then put and agreed to.

The question that clause 3, as amended, do stand part of this Bill was then put and agreed to.

Clause 4.

Sri JYOTI BASU: Sir, how long are we going to sit? We usually sit up to 6-45 p.m.

Mr. DEPUTY SPEAKER: We shall adjourn after finishing clause 4.

The Hon'ble Dr. BIDHAN CHANDRA ROY: We may adjourn after finishing clause 6. On clause 6 there is a small amendment.

Mr. DEPUTY SPEAKER: All right.

Sri JYOTI BASU: Sir, I move that in clause 4, lines 2 and 3, for the words "or to endanger the safety or stability of the province" the words "or to encourage external aggression" be substituted.

Sir, in moving this amendment I am reminded that this has been made much of by Dr. Suresh Banerjee when he was speaking at the beginning. But I shall remind him, if it is of any use, that Dr. Ghosh, when he introduced this Bill in this House, definitely assured us that only processions, assemblies or meetings of a communal nature would come under this law and no other processions, meetings or assemblies having anything to do with any other political purpose. But this amendment which has been suggested by Government seeks to make this particular section, *i.e.*, prohibition of meetings and processions applicable to all kinds of meetings, processions and assemblies. Now, the difficulties with section 144 and with the Code of the Criminal Procedure to prohibit meetings under it have not been stated by the members speaking from the Congress Benches or by the Home Minister. But I can guess what their difficulties are and why they want such wide powers under this lawless law. In case section 144

is declared anywhere it almost means that nobody is allowed to hold meetings. So in order to give a free scope to the Ministry or the Congress Party or any other party to hold such meetings or their black-marketer friends to talk at meetings and to prevent particular kinds of meetings organised by particular organisations which criticise the Government or which are against the Government, such an amendment is being moved by the Government. That is the purpose of this particular section which is being introduced by the Home Minister. Now, at the same time, while introducing this section we hear today, and we have heard before, talk about democracy and free election. The Hon'ble Home Minister in his speech said—referring probably to communists—"Who are our opponents? We do not consider them as opponents who wish to capture power by violence". Now, Sir, so many months have gone by since March last when the Communist Party was declared illegal, but unfortunately as yet he has given no facts to demonstrate as to how the Communist Party which was legal then was trying to capture power by violent means. That is not before the people or before us. But we know what is happening in the meantime. If there is an election, at least there is one party which has been eliminated, and that party, the only party which could have and would have opposed the Congress Government and tried to change it certainly by lawful means, was illegalised; so that at least one opposition goes. That is why in order to prevent the opposition party from contesting the elections which are coming in a so-called free India these preparations are being made.

These provisions are being added to the already black Security Act and we find that little by little the people are understanding it that in order to crush the Opposition to have a one-party election and one-party capitalist Government, a party of capitalists, *i.e.*, the Congress Government they are preparing the ground for such a state of affairs. (Interruptions from the Treasury Benches.) They may interrupt me but the Hon'ble Minister knows that what I am speaking is the truth. (At this stage the blue light was on.) I do not know why my time is so short. There is not much of an Opposition here and the Opposition Benches are empty and so you may give me a little more time. And if you will not allow me a little more time I cannot do anything as I have always said. I have mentioned some specific cases and tried to show why for such cases I wanted the deletion of the whole clause but that is not allowed under the rules. So I have suggested that if "external aggression" is added then meetings and demonstrations of a communal nature or of a nature which encourages external aggression, only those specific cases will be prevented under this lawless law. That is my suggestion. They fear Russia. If Russia comes here, if anybody invites Russia, if there is any party in this country which invites Russia to come and occupy our country, then by every means prevent such meetings and demonstrations of such people from carrying on their propaganda in this country but it is no use making this propaganda just because the Ministers know that the newspapers are with them. They have got their radio and they can make all this sort of propaganda, but who is there to believe them? The ordinary people will not believe them.

The motion of Sri Jyoti Basu that in clause 4, lines 2 and 3, for the words "or to endanger the safety or stability of the province" the words "or to encourage external aggression" be substituted was then put and lost.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was put and a division called by Sri Jyoti Basu. When the division bell ceased ringing Mr. Deputy Speaker put the motion a second time and declared "Ayes have it. Ayes have it", and the motion was agreed to.

Sri JYOTI BASU: Sir, I called for a division but you don't listen to me; what can I do? If you please looked at me you would have noticed that I called for a division. I cannot shout like others on the Government side. I have been trained in a different way; that is the trouble.

Now, Sir, coming to another point, I thought you told me just a moment ago that after finishing clause 4 we shall close for the day. As a matter of fact all the Opposition members have left already under that impression.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I request you, Sir, now to take up clause 6 and finish it.

Sri JYOTI BASU: But then most on this side have gone already.

The Hon'ble Dr. BIDHAN CHANDRA ROY: We have the quorum.

Sri JYOTI BASU: You have heard the Government, Sir, and, as an Opposition member I am requesting you, Sir, to close at this stage. Every day, Sir, we have been sitting only till 6-45 p.m. but today it is already 7-15 p.m. Just now when I asked you, you told ue that after clause 4 the House will be adjourned and accordingly I think, Sir, you should at this stage close the proceedings and let us carry on tomorrow. And, Sir, if you do not see your way to do so, there is nothing that I can do

The Hon'ble Dr. BIDHAN CHANDRA ROY: We have the quorum in the House now. I suggested, Sir, immediately you finished with clause 4, that we should go on to clause 6 and finish If Sri Jyoti Basu did not hear it, it is not my fault.

Sri JYOTI BASU: But you are not the Speaker.

Janab SYED BADRUDDUJA: I also heard, Sir, that after clause 4 was finished you would adjourn the House

Mr. DEPUTY SPEAKER: But a request came from the Leader of the House to proceed further and to finish clause 6. It is the desire of the majority of the House that we should continue I am absolutely in the hands of the House.

The Hon'ble Dr. BIDHAN CHANDRA ROY: If most of the members of the so-called Opposition do not choose to stay on, is it the fault of those who had stayed on?

Janab SYED BADRUDDUJA: Ordinarily, Sir, we sit till 6-30 p.m. although there is the convention that at times we have sat late hours and if in your wisdom, Sir, you desire that we should continue, I have nothing to say against it. But I had the impression that the House would be adjourned after finishing with clause 4. It is for you to decide, Sir, whether the House should continue to sit after that. Most of the Opposition members, Sir, I understand, have left already and, as a matter of fact, they left as a protest against the longer sitting today.

Mr. DEPUTY SPEAKER: The difficulty is this. There is no Whip of the Opposition and in the absence of any one it is difficult to suggest how long we should continue. Therefore I suggested that I shall adjourn the House after finishing clause 4. But afterwards a suggestion came from the Leader of the House that the Government Party want to continue till clause 6 is disposed of.

Sri JYOTI BASU: Sir, Janab Khuda Bukhsh, before he left, asked us to when the House would be adjourned and you told him, I remember, that it would close at 6-45 p.m. and he and other members on that side accordingly left the House under such an impression.

The Hon'ble Dr. BIDHAN CHANDRA ROY: At the time you were speaking on clause 4 Janab Khuda Bukhsh was not here.

Clause 6.

Mr. DEPUTY SPEAKER: Now coming to clause 6, Mr. Basu, are you going to move your amendment to clause 6?

Sri JYOTI BASU: Yes, Sir, I beg to move thatt clause 6(*1*) be omitted.

In this amazing state of affairs, Sir, where Government does not think it worth while to make even the slightest bit of concession for 10 or 15 minutes for moving our amendments it is more or less useless our carrying on in this House. Of course we were in your hands but you have chosen, Sir, to accept the majority verdict that they should carry on beyond clause 4. Well, if the Speaker or the Deputy Speaker chooses to do so, we are quite helpless. In that view of the matter I am certainly moving this amendment and I shall try to do my best to do justice to my amendment but it may happen that the blue light may be lit and my time cut short.

Mr. DEPUTY SPEAKER: No, no, I shall see you get sufficient time to speak on your amendment.

Sri JYOTI BASU: As you please, Sir, I have nothing to say. You can do as you please and I can do as I please. You have already ruled, Sir, that clause 6 should be finished today and I do not know, Sir, how long I shall take to speak on my amendment. It may be till 8 o'clock, I do not know.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Don't waste our time, please.

Sri JYOTI BASU: Your time is not very valuable after all.

Government in this particular clause has suggested the deletion of the words "on reasonable grounds". Of course I need not in this connection go into the sordid history of how by an Ordinance on the eve of the expected pronouncement of the Special Bench of the High Court with regard to the interpretation of these very words "on reasonable grounds", these very words were suddenly deleted on a Saturday when on the Monday following the judgment was supposed to come out. It is fresh in everybody's memory and it demonstrated at that time that freedom means to the Government complete and absolutest licence and that is that they can do the most outrageous things. They can encroach on the pronouncements of the High Court, gag them and suppress people's liberty. There were few occasions even under the British Raj when such things were done by the Government against the High Court. But as far as I am aware never has such a thing taken place in England, in Great Britain, although it is an Imperialist country. It also shows that in the usual hypocritical manner the Congress Government did not mean, when they were moving the West Bengal Security Bill, what they said to hoodwink the people. The words "on reasonable grounds" were inserted in the Bill but in their heart of hearts they had meant to arrest people without any reasonable grounds, if necessary. But the game failed, completely failed and ended in a fiasco for the Congress Government, because the Congress Government is a Government of capitalists and is a tool in the hands of the capitalists and is also inefficient. That is the major thing which has got to be noticed. Therefore this playing with democracy can no longer be continued and so the gloves were off and the mask had fallen and the High Court was told to mind its own business because it became intolerable that the reasonableness of the Government should be challenged by any Judge of the High Court. The Government knew that when the case was being debated on the petition for *habeas corpus* before the High Court these words "on reasonable grounds" taken together with the right of petition on *habeas corpus* meant that those grounds would be considered by the High Court. The High Court Judges might come to the conclusion that they had the authority

under that lawless law because of these words "on reasonable grounds" to go into those grounds and find out whether they were really reasonable by an objective test. In fact it was after looking at some of the charge-sheets which were given to us in jail when those were presented before the High Court Judges that the Chief Justice remarked that if those were the reasonable grounds then Government can arrest anybody anywhere in India, the courts would be powerless and everybody would be powerless to do anything. After all, what was the nature of the grounds for the charge-sheets that were given to us? Sir, I shall now give some examples and then you will realise why these words were deleted. The common ground levelled against us was that "you are detained because you are members of the Communist Party of India which has been collecting arms, which has collected arms, which is creating chaos, lawlessness and disorder in the tea gardens, in 24-Parganas and everywhere throughout Bengal". That was the common charge and the second charge was the personal charge against every individual. I shall give examples of those charges, and I have already mentioned the charges brought against me. As regards personal charge I or a member like Mr. Ratanlal Brahmin was told that our crime was that we have been addressing labour meetings at every place to propagate our party politics. Sir, it was a great discovery that labour members of this Legislative Assembly go about and address labour meetings. Another co-prisoner, Sri Gopal Haldar was told that "you have been on the cultural front of the Communist Party of India and you have been helping the Communist Party through cultural activities". Another young poet, Sri Subhas Mukherji who was a co-prisoner with me was told that "you have been writing in support of strikes in the local paper of the Communist Party", which has since been banned but which was then called "The Swadhinata". That was his crime and he was detained for three and a half months. Another gentleman who was not even a member of the Communist Party was arrested and he stayed with us for three and a half months in jail. That gentleman was told that he had been attending meetings in which Government was criticised and that was his crime for which he had to spend in jail for three and a half months under detention. Another member of the Communist Party was told that he knew Mr. P. C. Joshi, the Secretary of the Communist Party of India. So, for a member to know the Secretary of the party was a crime, and for that crime he had to spend three and a half months in jail. Sir, those were the kind of charges framed against us and those were the reasonable grounds for which we were arrested and placed under detention. Naturally Government feels that these are no grounds at all, and that even with this lawless law they cannot keep us in prison for if this particular section remains, the High Court Judges can review such cases. Now the gentlemen thought that the High Court Judges would sign on the dotted lines, that people would be hoodwinked for they would think that Congressmen were the votaries of truth and non-violence, they were good people and could keep the Communists in jail as long as they liked with the sanction of Judges. But unfortunately Judges have not been found who would sign on the dotted line and therefore in a panic we find that when a judgment was to be delivered by a Full Bench, they came with this particular thing which has been incorporated in this Bill. So now we can be arrested without any reasonable grounds and they are now preparing those conditions by which they can without any ground whatsoever arrest and keep us under detention.

(At this stage the member having reached the time-limit resumed his seat.)

The motion of Sri Jyoti Basu that clause 6(*1*) be omitted was then put and a division taken with the following result:—

AYES—2.

Basu, Sri Jyoti. | **Brahmin, Sri Ratanlal.**

NOES—33.

Banerjee, Sri Susil Kumar.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Haidar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mukherji, Sri Dhirendra Narayan.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Roy, The Hon'ble Dr. Bidhan Chandra.
Roy, The Hon'ble Sri Kiran Sankar.
Sen, The Hon'ble Sri Prafulla Chandra.
Shamsul Huq, Janab.
Sinha, The Hon'ble Sri Bimal Chandra.

The Ayes being 2 and the Noes 33, the motion was lost.

The question that clause 6 do stand part of the Bill was then put and a division taken with the following result:—

AYES—30.

Banerjee, Sri Susil Kumar.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Haidar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mukherji, Sri Dhirendra Narayan.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Roy, The Hon'ble Dr. Bidhan Chandra.
Roy, The Hon'ble Sri Kiran Sankar.
Sen, The Hon'ble Sri Prafulla Chandra.
Shamsul Huq, Janab.
Sinha, The Hon'ble Sri Bimal Chandra.

NOES—2.

Basu, Sri Jyoti.
Brahmin, Sri Ratanlal.

The Ayes being 30 and the Noes 2, the motion was carried.

Adjournment.

The House was then adjourned at 7-40 p.m. till 3-30 p.m. on Tuesday, the 28th September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 28th September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 12 Hon'ble Ministers and 62 members.

GOVERNMENT BILL.

The West Bengal Security (Amendment) Bill, 1948.

Clause 7.

Sri JYOTI BASU: Mr. Speaker, Sir, I beg to move that in clause 7, for the proposed section 17, the following be substituted, namely:—

"17. Save as hereinafter in this section otherwise provided, an order made under sub-section (*1*) of section 16 shall be in force for such period not exceeding two months as may be specified in the order or for the period subsequent to the date of issue of such order during which this Act continues in operation, whichever is less, unless earlier cancelled by the authority making the order:

Provided that—

(*a*) the Provincial Government may if and so often as it thinks fit, before the date on which under this section any such order would otherwise have ceased to be in force,

(*i*) in the case of an order under clause (*a*) of the said sub-section, place before a Judge of the High Court in Calcutta the grounds on which the order is made, the representations, if any, made under section 18 by the person affected thereby, and such further materials as the Provincial Government may think fit and the Provincial Government shall in accordance with the decision of the Judge, thereon, issue an order of release or a fresh order of detention for such period not exceeding two months as may be determined by the Judge:

Provided also that the person affected by the order shall be entitled to be defended or represented by any lawyer or other person before the Judge;

(*ii*) in any other case, issue after considering all the circumstances of the case, a fresh order to the same effect and subject to the same limitations as to duration as in the first instance;

(*b*) notwithstanding anything hereinbefore contained, it shall be lawful for the Provincial Government to release at any time, if it so thinks fit, any person in respect of whom an order under sub-clause (*i*) of clause (*a*) has been made."

Sir, the purpose of this amendment of the Government is to take away the right of the person detained to place his case before a Review Judge of the Calcutta High Court. Government in the previous Act having made a mockery of the courts is now showing distrust of even a review to be made by a Judge of the High Court, although it would be an *ex parte* decision which the Judge will give and he would sit *in camera*. Nor can any person

appear before the Judge to represent the case of this particular *deten*
Now the Government, it seems to me, feels that even such Judges of tl
High Court who are reviewing the cases of the persons detained withoı
trial are incapable of judging and understanding the grave menace whic
is threatening West Bengal in particular from inside the Province and froı
outside—from Malaya, from Burma, from China, and so on and so forth-
it has been said yesterday—including of course Russia. In fact, as tl
Review Judge has proved incapable—Government so thinks—and has le
off a vast number of *detenus*, it is necessary to deprive the Review Judg
of his statutory powers at least foı ten months. For public consumption c
course, if you will read the Statement of Objejcts and Reasons, you wi
see therein it is stated that the cases of *detenus* will as often as necessar
go up to a Review Judge for review. But, in fact, on reading even onc
this particular amendment which has been suggested by the Governmen
it would appear that for ten months there is no question, unless Governmen
so desire, of placing the cases of the *detenus*, the charges and the replies
before such a Review Judge. In case of restriction orders similarly whereb
persons are, for instance, denied the right to participate in meetings or t
move about freely to propagate their views, which orders again are arbitrar
coming as they do from this particular Government which has based it
whole case on untruths. The period of nine months of such restrictioı
orders and thereafter with the powers that the Government is seeking fo
renewal of the restriction orders for another nine months—these are mean
that people in the Opposition will be prevented from expressing their point
of view before the people of the country. In case the Government feel
that there are lawless elements in the country, in case those element
appear before the people and speak to them, and in case they commi
sedition or they in their speeches incite people to lawlessness and disorder
a trial may be held under other provisions of the existing law. But thi
measure is meant to crush in any case the Opposition on unreasonabl
grounds. The thought of trial for sedition or for inciting lawlessness an
disorder is repugnant to the Congress now. This new clause which ha
been given notice of by the Government means that the Government is
unable any longer to play about with democracy and has taken recourse t
naked, unashamed fascism. Under the heavy hands of repression have
fallen not only the Communists, although it has started with them, but th
Forward Blocists, Socialists and others of the Left, and not only they, but
even Congressmen have not been spared, as for instance, the strikers of th
Amrita Bazar Patrika or the *Jugantar Patrika*. Whether one took part
in the 1942 struggle or not is of little consequence, because all those people
who have left the Congress are coming under the heavy hands of repression
of this present Congress Government. Thus my amendment seeks to make
review by the Judge compulsory and within two months. I suggest in
my amendment that in all only for a period of four months a person can
be detained without trial, if it is at all necessary—in any case not more
than two months by Government, and another two months if the Judge so
desires. I have also provided in my amendment which I have suggested
for a personal representation by the *detenu* himself before the Review Judge
or through a person whom he chooses. This is in order to enable illiterate
persons or less educated people to appear before the Judge and explain
their point of view. Furthermore it is a very important point—as we found
it by practical experience in our own cases—to examine whether the docu-
ments which the Government place before the Judge are false or not because
we do not know when, together with our replies to the charge-sheets, in
order to justify its charges against us, it places all sorts of evidence and
documents against us; we have no means whereby we can challenge the
authenticity of such documents. Sir, you will realise that the way the
Government has been acting, the way it has been preparing its case basing
itself on absolute falsehood, there is every reason for us to suspect that the

documents which are placed before the reviewing Judge of the Calcutta High Court, if ever placed at all, are either false or made up by Government. Therefore I have suggested that every opportunity should be given, even if the Judge sits *in camera*, to the *detenu* who appears before the Judge either himself or through another representative, to at least challenge the documents which are placed against him. I know it may be said, for reasons of safety of the State and so on, that this cannot be done, that the *detenu* cannot be told what is the evidence against him. In that case of course I shall be helpless and I shall have nothing to say. If that be so why have this farce of a High Court Review Judge and all the rest of it been maintained. In any case, as I pointed out last time when the Security Bill was being discussed here, it is contrary to all principles of jurisprudence that a Judge of the High Court should be called upon to give an *ex-parte* decision. That provision was bad enough already and on top of that if you now provide that the person--that the accused person--cannot appear before the Judge, then it is almost worse than useless, but curiously enough even with this provision the Government is not satisfied. They are now suggesting that at least for ten months from now on *detenus* will not have this statutory right to place their cases before the reviewing Judge. That is why, Sir, I have suggested my amendment. I of course know what the fate of this amendment is going to be because the Government has made it amply clear yesterday that they are going to crush all opposition and they are not going to permit us to carry on in a democratic manner in this country. All the same I have made my suggestions not only for the Government but for the public to realise what the Government is making of justice in our country. Let the people wake up whilst yet there is time; otherwise the fate of Hitlerite Germany is going to overtake the people of this fair land.

Janab MD. KHUDA BUKHSH: Sir, I beg to move that in clause 7, in proviso (*a*) to the proposed section 17, lines 1 and 2, for the words "may, if and so often as it thinks fit," the word "shall" be substituted.

Sir, yesterday I had occasion to draw your attention to the wording of the Statement of Objects and Reasons and compare it with the body of the section. Sir, the Statement of Objects and Reasons states amongst other things "To make it beyond all possible doubt that an order of detention under sub-section (*1*) of section 16 may be reviewed by a Judge of the High Court more than once and while extending the original duration of such orders to limit the period of subsequent extensions".

Sir, you will notice that the way it has been worded in the Bill does not make it obligatory or mandatory on the part of Government to submit the papers in respect of a detainee to a High Court Judge, but it makes it discretionary. Sir, I submit that a High Court Judge is certainly not less anxious than a Government official to preserve the stability and the safety of a Province. Sir, a High Court Judge is certainly not less impartial than a Government official. The whole idea behind this referring of papers to a High Court Judge is that a mind other than Government's other than the authority that makes the detention order, should be applied on the circumstances and on various other conditions that make it necessary for the Government to issue detention order on a detainee and keep him in detention without trial.

Now, Sir, when the Government have taken powers to keep a person in detention for as long as nine months without trial, it becomes all the more incumbent on the Government to submit their cases before a High Court Judge especially when the High Court Judge is expected to look into those papers *in camera*, and the accused, that is the detainee, should have the facilities of being represented by either himself, that is, personally, or by his lawyer. Sir, indeed what we wanted to achieve by this referring of the papers of a detainee to a High Court Judge has to a very large extent

been frustrated by the deletion of that all-important phrase "reasonab grounds". Sir, it can indeed be argued that referring of papers now to High Court Judge would not be as fruitful of results as it would ha been if those words were there. But if my amendment is accepted l Government it certainly gives the detainee a right to have his papers look into by a High Court Judge to find out whether there are any reasons at a It also gives Government a chance to exonerate itself from any blame th might attach to them if the papers were not sent. Sir, the powers a sweeping and a man is now being proposed by Government to be kept detention for as long as ten months—one month by the police and ni months by a Government order. Surely the Government can collect suf cient data to satisfy a High Court Judge who is, as I said, as imparti as a Government official and is as anxious for the maintenance ar preservation of the stability and safety of a Province as any one of u Then only we can say, Sir, bureaucracy or the Government officers have n vented their spite or their wrath and have not put up a got-up case befo a High Court Judge to have a person detained. That is why I said that must be made mandatory and obligatory on the Government to plac everything that they have within these nine months before a High Cou Judge to justify a person being detained without trial.

The Hon'ble Sri KIRAN SANKAR ROY: Sir, may I say just one c two words. So far as the amendment of Mr. Jyoti Basu is concerned, is fundamentally opposed to the Government proposal. He wants t reduce three months to two months but our proposal is to increase it fro three months to nine months. Secondly, he wants to have lawyers preser to represent the *detenus* before the Judge. This means that he wants regular trial with defence arguments, benefit of doubt, and so on and s forth. But that is not our purpose.

So far as Mr. Khuda Bukhsh's amendment is concerned, I rather thin that he has missed the point We have not made any change. He has no I think, gone through the original Act. If he reads section 17 he will fin that we have copied the language and I do not think there is any differenc at all. The point here is this: the issue was—one set of legal experts gav an opinion that even if there was fresh evidence against a person we coul not make a second reference to the Judge. Another set said we could. I is to put that matter right that I propose this amendment. In case there i fresh evidence we intend to make a second reference to the Judge. Tha is the only purpose of this clause.

Sir, I oppose all the amendments.

The motion of Sri Jyoti Basu that in clause 7, for the proposed sectio 17, the following be substituted, namely:—

"17. Save as hereinafter in this section otherwise provided, an orde made under sub-section (*1*) of section 16 shall be in force for such perio not exceeding two months as may be specified in the order or for the perio subsequent to the date of issue of such order during which this Ac continues in operation, whichever is less, unless earlier cancelled by th authority making the order:

Provided that—

(*a*) the Provincial Government may if and so often as it thinks fit before the date on which under this section any such orde would otherwise have ceased to be in force, .

(*i*) in the case of an order under clause (*a*) of the said sub-section place before a Judge of the High Court in Calcutta th grounds on which the order is made, the representations, i any, made under section 18 by the person affected thereby and such further materials as the Provincial Government ma

think fit and the Provincial Government shall in accordance with the decision of the Judge, thereon, issue an order of release or a fresh order of detention for such period not exceeding two months as may be determined by the Judge:

Provided also that the person affected by the order shall be entitled to be defended or represented by any lawyer or other person before the Judge;

(*ii*) in any other case, issue after considering all the circumstances of the case, a fresh order to the same effect and subject to the same limitations as to duration as in the first instance;

(*b*) notwithstanding anything hereinbefore contained, it shall be lawful for the Provincial Government to release at any time, if it so thinks fit, any person in respect of whom an order under sub-clause (*i*) of clause (*a*) has been made."

was then put and a division taken with the following result.

AYES—2.

Basu, Sri Jyoti.
Brahmin, Sri Ratanlal.

NOES—47.

Bandopadhaya, Sri Pramatha Nath.
Banerjee, Sri Susil Kumar.
Banerji, Dr. Suresh Chandra.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Chatterjee, Sri Haripada.
Choudhury, Sri Annada Prosad.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Clarke, Mr. C. E.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Ghose, Sri Bimal Comar.
Gupta, Sri J. C.
Haidar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan.
Maiti, The Hon'ble Sri Nikunja Behari.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mallick, Sri Ashutosh.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mookerjee, The Hon'ble Sri Kalipada.
Mukherji, Sri Dhirendra Narayan.
Murarka, Sri Basantlal.
Nandy, Sri Sris Chandra, of Cossimbazar.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Pramanik, Sri Rajani Kanta.
Roy, The Hon'ble Dr. Bidhan Chandra.
Roy, Sri Jajneswar.
Roy, The Hon'ble Sri Kiran Sankar.
Sen, The Hon'ble Sri Prafulla Chandra.
Shamsul Huq, Janab.
Sinha, The Hon'ble Sri Bimal Chandra.

The Ayes being 2 and the Noes 47, the motion was lost.

The motion of Janab Md. Khuda Bukhsh that in clause 7, in proviso (*a*) to the proposed section 17, lines 1 and 2, for the words "may, if and so often as it thinks fit," the word "shall" be substituted, was then put and lost.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

Sri JYOTI BASU: Sir, I beg to move that in clause 8, line 2, for the proposed word "thirty" the word "ten" be substituted.

As you will notice, Sir, in the original West Bengal Security Act this particular section, which is referred to here and is being amended, is section 18. Of course, by the previous amendment which has been suggested by the Government, section 18 loses its importance and significance completely because in section 18 it has been provided that after a person has been

detained, within 15 days he shall be given a charge-sheet and with his replies those papers will be placed before a Judge thereafter. But now by the previous amendment, for ten months Government are not bound by the law to place this charge-sheet and the replies before a Judge of the High Court. In this particular amendment they suggest that in place of 15 days 30 days should be substituted. Of course, as things stand now, it does not make much of a difference because we know that once somebody is arrested, his detention may last for ten months without referring either to the Judge or to anybody else outside the Government. Therefore, one would not feel inclined to give replies to the charge-sheet of the Government and one may take one's time—either three months or four months, whatever it may be—because detention would be almost indefinite. As long as the Act lasts the detention is going to continue. So in that case this section has lost all its significance. Of course it has been provided in the previous section, which has connection with this, that it is not safe for the State to trust a Review Judge of the Calcutta High Court to look into the case of a particular *detenu* who is detained without a trial. Since it is so, I do not, of course, think that my amendment also has much significance, but all the same I suggest it in order to support a principle. The Government tell us that a person is not arrested unless and until Government are sure to a certain extent that this person is doing some act which affects the safety and stability of the State. If that be so, then I am sure that the Government would not suggest that they would take a month to frame charges against this individual who has been arrested, because the Government tell us that unless they are somewhat sure that a person has done some crime or is about to do some crime, they would not arrest him. That is how Government wish to establish their *bona fides*, but I—and Government know it—doubt the *bona fides* of the Government every day and always and I shall go on doubting. Therefore, my amendment only means that if the Government arrest a person, then surely the grounds are with the Government as to why this person has been arrested. So why should Government take so much time in order to frame charges? But I can suggest why they have taken one month for this because when we were in detention we found that the charges were worse than useless. Ridiculous charges were made against us and that is why I am out here today speaking, otherwise I would have been even now in the Presidency Jail. In order to manufacture proper charges which would at least sound plausible if somebody read them—although nobody is going to read those charges—Government are taking this one month's time. That is why I have suggested my amendment in order to test the *bona fides* of the Government.

The motion of Sri Jyoti Basu that in clause 8, line 2, for the proposed word "thirty" the word "ten" be substituted, was then put and a division taken with the following result:—

AYES—2.

Basu, Sri Jyoti.
Brahmin, Sri Ratanlal.

NOES—50.

Bandopadhaya, Sri Pramatha Nath.
Banerjee, Sri Susil Kumar.
Banerji, Dr. Suresh Chandra.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Chatterjee, Sri Haripada.
Choudhury, Sri Annada Prasad.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Clarke, Mr. C. E.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Ghose, Sri Bimal Comar.
Gupta, Sri J. C.
Haldar, Sri Kuber Chand.

Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan.
Maiti, The Hon'ble Sri Nikunja Behari.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mallick, Sri Ashutosh.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mookerjee, The Hon'ble Sri Kalipada.
Muhammad Qumruddin, Janab.
Mukherji, Sri Dhirendra Narayan.
Murarka, Sri Basantlal.
Nandy, Sri Sris Chandra, of Cossimbazar.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Poddar, Sri Anandilal.
Pramanik, Sri Rajani Kanta.
Ricketts, Mrs. E. M.
Roy, The Hon'ble Dr. Bidhan Chandra.
Roy, Sri Jajneswar.
Roy, The Hon'ble Sri Kiran Sankar.
Sen, The Hon'ble Sri Prafulla Chandra.
Shamsul Huq, Janab.
Sinha, The Hon'ble Sri Bimal Chandra.

The Ayes being 2 and the Noes 50, the motion was lost.

The question that clause 8 do stand part of the Bill, was then put and agreed to.

Clause 9.

Sri JYOTI BASU: I move that in clause 9, in the proposed section 18A, line 8, for the words "two years" the words "three months" be substituted.

I also move that in clause 9, in the proposed section 18A, lines 8 and 9, the words beginning with "and shall" and ending with "thousand rupees" be omitted.

I further move that in clause 9, the following proviso be added to the proposed section 18A, namely:—

"Provided that this provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person directed to be detained."

Sir, in this amendment a new addition has been suggested by the Government. It is amazing, Sir, that although in the Ordinance which came out including this particular provision—the Ordinance which as you will remember gagged the Calcutta High Court and the Special Bench—in that particular Ordinance it is stated that this provision does not extend to the case in which the harbour or concealment is by the husband or wife of persons directed to be detained, but in the meantime I think the Government came to the conclusion that they had not been strictly following the Andersonian tradition, the British Imperialistic tradition in our country, and they were being a little lenient by exempting husband or wife in the case of concealment or harbour. That is why when the Bill is being discussed here before this Assembly, they have withdrawn that particular exception which was there, and now everybody will be included in this particular section for harbouring or for concealment.

Of course, Sir, I have not much to say. When I moved the amendments I thought of saying many things justifying my amendments. But today after what the Home Minister and the members on the Congress benches told us about the situation in the country according to them and justifying all their savage rules and provisions which they have suggested in this particular Bill, I have not much to say, because it seems to me now that it is good in a way that the people should understand the naked, unashamed fascism which is being adopted by the Congress Government in this country. I am sure the people will become conscious, and the sooner the people awaken to the realities of the situation from their slumber the better for them, and the sooner we shall find that this Government will go the way that all fascist Governments in the world have gone; and therefore I have given the amendments. I stick to the amendments. Of course I do not hope Government will accept even such an amendment as this, because they are determined to follow the traditions of Tegart and Sir John Anderson.

The motion of Sri Jyoti Basu that in clause 9, in the proposed section 18A, line 8, for the words "two years" the words "three months" be substituted, was then put and lost.

The motion of Sri Jyoti Basu that in clause 9, in the proposed section 18A, lines 8 and 9, the words beginning with "and shall" and ending with "thousand rupees" be omitted, was then put and lost.

The motion of Sri Jyoti Basu that in clause 9, the following proviso be added to the proposed section 18A, namely:—

"Provided that this provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person directed to be detained"

was put and a division taken with the following result:—

AYES—2.

Basu, Sri Jyoti.
Brahmin, Sri Ratanlal.

NOES—49.

Bandopadhaya, Sri Pramatha Nath.
Banerjee, Sri Susil Kumar.
Banerji, Dr. Suresh Chandra.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Chatterjee, Sri Haripada.
Choudhury, Sri Annada Prosad.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Clarke, Mr. C. E.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Ghose, Sri Bimal Comar.
Gupta, Sri J. C.
Haldar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan.
Maiti, The Hon'ble Sri Nikunja Behari.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mallick, Sri Ashutosh.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mookerjee, The Hon'ble Sri Kalipada.
Mukherji, Sri Dhirendra Narayan.
Murarka, Sri Basantlal.
Nandy, Sri Sris Chandra, of Cossimbazar.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Patel, Mr. R. E.
Poddar, Sri Anandilal.
Pramanik, Sri Rajani Kanta.
Roy, The Hon'ble Dr. Bidhan Chandra.
Roy, Sri Jajneswar.
Roy, The Hon'ble Sri Kiran Sankar.
Sen, The Hon'ble Sri Prafulla Chandra.
Shamsul Huq, Janab.
Sinha, The Hon'ble Sri Bimal Chandra.

The Ayes being 2 and the Noes 49, the motion was lost.

The question that clause 9 do stand part of the Bill was then put and agreed to.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Clause 10.

The question that clause 10 do stand part of the Bill was then put and agreed to.

Clause 11.

Sri D. N. MUKHERJI: Sir, I beg to move that in paragraph (*I*) of clause 11, in the proposed sub-section (*IA*) of section 28 of the Act, lines 9 and 10, the words "found on search under this sub-section" be omitted.

The Hon'ble Sri KIRAN SANKAR ROY: Sir, I accept the amendment.

The motion was then put and agreed to.

The question that clause 11, as amended, do stand part of the Bill was then put and agreed to.

Clause 12.

Sri JYOTI BASU: Sir, I beg to move that in clause 12(*1*), line 2, for the word "thirty" the word "ten" be substituted.

This particular amendment which has been suggested by Government refers to section 30 of the Security Act wherein it is provided that even without the orders of the provincial Government the police can have the powers to keep a person in detention without trial for fifteen days and thereafter if the detention is to be extended, then the provincial Government's permission would be required. But herein it is being suggested by the Government that in place of fifteen days the word thirty days be substituted. That is in keeping with the spirit of this amending Bill which is being moved here so that the police is being given more power. And rightly so, as the Government has been telling us that they wish to establish a police state in this country. I have suggested an amendment that in place of fifteen days ten days should be substituted, that is, the police should have power after they arrest a person to detain him without trial and without referring the matter to the provincial Government for ten days and not for fifteen days as was in the original Act. Of course now I find that my amendmen is not of much use because of what has happened to my other amendments which I have been moving since yesterday, and now it does not make much of a difference whether one is kept in detention without trial by the provincial Government or by orders of the provincial Government or without the orders of the provincial Government by the Sub-Inspectors of Police or by police spies or any such miserable people. Because I do not see any difference whatsoever after I am taken to the police lock-up or the jail lock-up, whether there are orders against me by the police officer or by the provincial Government. It seems to me that both will be and are equally responsible, and therefore I should not insult the police by saying that I should not be detained by them for more than ten days or fifteen days. If the Government so wish they can give power to the police. If one can think of giving powers to the provincial Government one can also think of giving power to the Sub-Inspector of Police to arrest a person and keep him in jail for ten days or ten months, and what does that matter? But all the same I feel that during the under-trial period when a man is detained, as it is a very trying period because we find that in jail when a man is under trial, he is segregated from other prisoners who are no more under trial but who have been confirmed, that this suffering may be less for the prisoner who will have to be in prison indefinitely without trial under this fascist Bill, and therefore I have suggested this amendment. But at the same time I see the uselessness of my moving this amendment. However, as I think that my amendment is not particularly meant for the Minister sitting over there but for the people outside this House in order to make them understand that really a police state is being established in West Bengal that I move this amendment.

Mr. SPEAKER: I wish to add one remark about Mr. Basu's observation when he said that he was moving the amendment not for this House but for people outside. I think every member should remember that in moving his motion in this House for the House and whatever he says is in order to convince the other side and not to convince people outside.

The motion of Sri Jyoti Basu that in clause 12(*1*), line 2, for the word "thirty" the word "ten" be substituted, was then put and lost.

The question that clause 12 do stand part of the Bill was then put and agreed to.

Clause 13.

The question that clause 13 do stand part of the Bill was then put and agreed to.

Clause 14.

The question that clause 14 do stand part of the Bill was then put and agreed to.

Consequential Amendments.

Mr. SPEAKER: Before I put the Preamble to vote, I desire to mention one fact. Yesterday Sri Dhirendra Narayan Mukherji moved a short-notice amendment to clause 3 of the Bill that after the word "vessel" the word "animal" be inserted. That was carried by the House. Thereafter Sri Dhirendra Narayan Mukherji desired to move consequential amendments for adding the word "animal" after the word "vessel" in clause 3. These totally consequential amendments were sought to be moved, but the Deputy Speaker desired that they should be taken afterwards. Under rule 66 of the West Bengal Legislative Assembly Procedure Rules, these purely formal consequential amendments may be made and I hope the House has no objection to have the consequential amendments, i.e., the word "animal" be put after the word "vessel" wherever it occurs in clause 3.

(There was no objection in the House.)

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri KIRAN SANKAR ROY: Sir, I beg to move that the West Bengal Security (Amendment) Bill, 1948, as settled in the Assembly, be passed.

Mr. SPEAKER: I should like the honourable members to give me a list of members who want to speak so that I may be able to control the debate

Sri JYOTI BASU: Mr. Speaker, Sir, yesterday I heard the speech by the Hon'ble Home Minister on the purposes of this particular Bill which is about to be entered into the statute book and I also heard Dr. Suresh Banerjee, who is now the President of the West Bengal Congress Party, and it was with amazement and a bit of consternation that I heard those speeches. Before I go into those speeches in order to express most emphatically my point of view I should like to correct the many misstatements made by the Home Minister, particularly one which referred to me in that connection. I had missed it yesterday but today in the newspapers I read it with surprise. The Home Minister was alleged to have said yesterday that in the elections that were contested by different parties and groups only recently my party had contested one of these elections and that I was a member, a redoubtable member of the party of chaos and disorder, as he called it, and he said that this party was routed. I should like to correct him, because it is rather a dangerous statement coming from the Home Minister of West Bengal and with these powers in his hand, that my party, the party to which I belonged and which has been declared an illegal party, contested the election. It has no legal existence, but the election there, as far as I know, was contested by a Forward Bloc candidate, a Kisan Sabha candidate, the Revolutionary Socialist Party candidates and others—and I do not belong to the Kisan Sabha organisation—but for the Home Minister to say what he has said means that tomorrow after the Assembly is prorogued he will say that he made the statement and I have not contradicted it and therefore I belong to an illegal organisation which has been contesting elections in some other name and it means ten months for me, if not more, in jail without trial. Therefore I am making this statement in order to correct the Home Minister. This Bill to amend the West Bengal Security Act, 1948, is meant to wipe out completely the little advantages secured by the people of West Bengal through the tremendous democratic movement during the passage of the lawless law. In the measure that in the country hatred and contempt for the

Government were growing because of the deteoriorating problems of food, shelter, housing and because of the sordid fight of the Ministers for office, contracts and because of the protection afforded by the Ministers and the Government to black marketers and profiteers, in the same measure the West Bengal Government was of necessity driven to paths of terroristic rule and lawless law. In its conception this Bill is a shameful testimony, as I have tried to point out in clause after clause, to the mockery of the Government for the highest court of the land in that the Ordinance embodying some of the provisions of this Bill was promulgated to prevent the High Court Judges of the Full Bench from giving their verdict in the pending cases of security prisoners like ourselves. Why are such draconian measures necessary? What is the emergency? Whatever the Home Minister and other Congress members might say, I shall ask them, is the infant State afraid of the plots of our erstwhile enemy, the British Imperialism? Congress does not think so. For Free India's defences, I find, on land, air and sea are manned by British Imperialistic agents and stooges and we have no longer any State secrets to preserve or guard from British Imperialistic agents. Is the State in danger from British trained administrators and police? Evidently not according to the Congress, because they have been made statutory patriots. Those police are being honoured for the crimes committed by them against fighters for freedom all along including 1942, of which they speak so much in this House. Is the State being endangered by capitalists, landlords, Rajas, nawabs or black marketers? The answer seems to be again "No," because the economic life of the country has been handed over to these gentlemen, the capitalists and the landlords, for its safe keeping.

The Home Minister yesterday in his speech tried to make out that this law would be used very severely against black marketers and profiteers, against whom there would not be sufficient evidence to prosecute them in a court of law. I would ask him, has he under this Act taken action against a single black marketer (The Hon'ble Sri Kiran Sankar Roy: Certainly.), and if so, how many are in jail? I know, when I was in Presidency Jail, that women were used to be arrested for selling a chattack of rice all over Calcutta because they were starving and these women with their children were sent to the Presidency Jail. That is what I found but I did not find the friends of the Ministers, the black marketers and multi-millionaires, going to jail. Even in the West Bengal Black Act, which is there on the statute book you will find, Sir, the difference between this Bill which takes away the liberty of the people and that Act where it says that no case can be brought against a black marketer, no prosecution can be made against him unless and until the Provincial Government gives the permission and there is no such thing that a man can be arrested if there is a suspicion against the black marketer. We know that the Police Commissioner said that you cannot under suspicion arrest a black marketer and put him in jail and detain him without trial. He said you cannot arrest these gangsters who are going about robbing banks and so on because there is not sufficient evidence against them. On suspicion you cannot take away the liberty of the gangsters, said the Police Commissioner. Therefore the State seems to be in danger from the hungry workers, the Kisans and the oppressed middle class. It is the spectre of a Kisan-Mazdoor Raj which seems to haunt the Congress Government and hence the lawless provision to preserve the infant State of capitalists, landlords, Rajas and Nawabs, which is bound by subservient ties with the British and American Imperialism. As such if a State has to be protected against the interests of the majority and for the minority, police rule is the inevitable weapon. If it was the other way about and the people's state had to be protected against vested interests and foreign Imperialism, the Government could have mobilised lakhs of workers and Kisans, could have given them unrestricted liberty and armed them to curb and crush the rich and foreign enemies of the State. That was exactly what happened in the land of socialism, the Union of Soviet Socialist Republics.

Sir, Dr. Banerjee said, and rightly, that there was a terror in the Soviet Union. Yes, there was a terror in the Soviet Union after the Revolution, but the terror was employed by the workers and the Kisans and the oppressed middle class against the foreign Imperialistic agents of the British, American, French, German and the Japanese, and the terror was employed against the landlords and the capitalists and the other Counts and Countesses and they were sent to Soviet prison, but here the terror is exactly the opposite; the terror is being employed for the capitalists and the landlords against the ordinary people, and that is why section 144 is promulgated time and again against the people so that they may not be able to hold meetings and demonstrations. That is the situation. Such in brief are the basic reasons for the enactment of this measure. The State of the rich seems to be in danger from the hungry people. That is the emergency. This common people's movement and urge for a freer and better life, their desire to see the planning in this country for nationalisation of all lands and key industries without compensation, for more houses, for controlling the black market, for cheaper necessities of life, for living wages and no unemployment—all these things are summed up, as in all capitalist countries, as "Communist menace" to the State, or in other words to the States of the Capitalists and the Landlords. All these acts of the people are called subversive acts. The Home Minister in order to hide this simple reality tried in vain to make out a case of reign of violence in order to justify the Bill. But having told an untruth about the South-East Asia Youth Conference that it took decisions to start a round of revolver snatchings and murders, the Home Minister in the same breath referred to the Dixon Lane outrage, but he did not say, I think deliberately, that Communists were murdered and attempted to be murdered in this outrage in Dixon Lane by armed gunmen and the assailants have gone scot-free. Government have not arrested the suspects. I ask, Sir, who hatched this plan. Is it the people who are pouring venom day after day through radio and press upon the Communists? Who inspired the breaking up by bombs of a workers' meeting in front of the police held in Wellington Square for urging my release? Who organised the throwing of bombs at a tramway workers' meeting in the University Institute held to protest against the arrest of tramway workers under the Security Act? Who, I wonder, threw bombs at another procession for the release of political prisoners as it came near a thana in Central Avenue? Of course there has been violence; I do not doubt that. But the violence seems to be against the Communists and their supporters, and Communists have been murdered and their meetings broken up by bombs, *lathis* and daggers. Therefore, this lawlessness which is being inspired by the Government and instigated by them is in order to save this State of the rich which is in danger by the common people, it seems. We have in support of the Bill been given a list of arms by the Home Minister, but the Government knows that not a single firearm has been recovered from any member of the Communist party which was legal up to 26th March. On the contrary some of these arms which were listed yesterday have been found on anti-Communists and members of the Congress. But the Congress has not been declared an illegal organisation. It is this rather inconvenient fact of finding arms with members of the Congress which has prevented trials in court for them. The financiers of these armed gangsters would then be exposed in the open court. The Minister was aware of the weakness of his case and knew that in support of the Bill he would not rely on the facts and the situation as they existed within the Province of West Bengal. Therefore, the Hon'ble Minister and the Congress President, Dr. Suresh Banerjee and others have had to rely for support of this Bill on the situation in China and South-East Asian countries. This is, according to me, the crux of the matter and once again my contention is proved beyond doubt that in order to instal a full-fledged capitalist State in India subservient to British and American Imperialism and at their orders, these lawless

laws are being enacted and people's movement suppressed mercilessly throughout the country. A free people's India would have hailed with joy the struggle of the Malayan people against the British Imperialism, but on the contrary we find that the Congress is supporting the British Imperialism to drown in blood the Malayan people's struggle. The Congress should have supported the fight of the Burmese and the Indonesians and Vietnamese people against the British, Dutch and French Imperialism, and the glorious struggle of the Chinese people for the last 20 years against the Arch-Fascist, Chiang-Kai-Shek, the tool of American Imperialism; but exactly opposite is the case, and not only does India's sympathy lie with the Imperialist powers but at their behest within India is being created a subservient Fascist regime. And this is inevitable because the more anti-Soviet the Government becomes, the more anti-people its policy in the country becomes, the more they will have to lean for support on British and American Imperialism and Dutch and other smaller variety of Imperialism.

Thus Dr. Banerjee says he understands British and American Imperialism and does not know what danger there is from these countries. How innocent! We do not know what danger there is from an enemy which was there for the last 200 years on Indian soil and even today is economically strangulating this country, which today through army, navy and air force knows every secret that India possesses. Dr. Suresh Banerjee, the Congress President, does not know what danger there is from these Imperialist countries. It seems that they have become all on a sudden great admirers of the Imperialist countries, but the people think otherwise.

This is indeed the first step towards lining up India with world Imperialism led by America and England against the people's democracies led by the Soviet Union. There was a time, not long back, when Indian National Congress in its fight for freedom against Imperialism used to look upon the Soviet Union as the beacon light for progress of democracy. What has happened to that, I wonder. But of course there is another India besides Dr. Suresh Banerjee's India and that is the India of the freedom-loving people, and they may decide something else in case there is an international war and India lines up with Anglo-American Imperialism. In fact the fight against the Black Bill and the repressive measure is also a fight against India joining the world Imperialism as against the democratic peoples. The purpose of the Bill will be clear if we recall how these provisions became necessary for the Government in course of actual experience of working the Act. The Congress Ministers who recognise no morality in politics were out to forge new chains for the people and to crush all opposition which remotely talked of Kisan-Mazdoor *raj* in place of Tata, Birla, Dalmia *raj*. Thus as in every Fascist and Imperialist country, the attack opened against the Communists, the most conscious vanguard of the people. The Hon'ble Sri Kiran Sankar Roy having come over to West Bengal with his wide experience of serving the minorities in East Bengal struck at us simultaneously all over, declared our party illegal, and arrested many of us under the Security Act. Thereafter he announced an unmitigated lie that the Communist Party in fact, had collected arms to overthrow the State by violence. Who is to prove that, I ask the Home Minister? He has made this announcement, I believe, misquoting the Communist Party Resolution which stated that this Congress Government had betrayed the interests of the people and had to be replaced by a Democratic Government, a programme of which would be to build up a democratic army and to arm the people. It is the inalienable right of the people to call for a change of Government with a new programme. All this careful preparation and lies were not of much avail because after three months when the charges and our replies were placed before a High Court Judge, the Government, the accuser, stood condemned as the Judge refused to believe the whole fairy tale and out

of about 107 cases which went up to the Judge about 70 were ordered to be released. About 15 replies of the prisoners were not placed before the reviewing Judge illegally and improperly, and naturally their detention period was extended by three months, but not more than 10 or 12 people were actually detained by the Judge and that not on a charge of arms collection but some other charge. This was the result even though the judgment was *ex-parte* and we were unable to examine the authenticity of the documents against us placed before the High Court Judge. Therefore the whole case of the Government fell to the ground as it was not based on truth. The main purpose, to crush the opposition at all costs under any pretext, was being defeated; all the lies and deceit broadcast through the radio and venal press were of no avail. Thus the Government could trust neither the court of law, as we saw in the application of the previous Security Act, nor now the reviewing Judge, even though the latter was entitled to give only an *ex-parte* judgment contrary to all principles of jurisprudence. The second big experience of the Government was that in spite of outlawing the Communist Party of India and arresting us, the economic situation continued to deteriorate and the people continued to strike back through meetings and demonstrations and strikes, etc. Therefore contrary to all assurances of the Ministers, contrary to the purposes of the Act, it was freely used against strikes and demonstrations which had nothing to do with communalism, Goondaism, illegal acquisition of arms or the safety or stability of the State. One Mrs. Renu Chakravarty's arrest was ordered under the West Bengal Security Act as she led a procession near the Government buildings and even her three-year old son was shadowed by the spies. She is the niece of Dr. Roy, the Prime Minister sitting there, and he knows the case. In the case of the strike by the India Government employees we saw that, although they went on a legal strike, immediately a hundred people were arrested under the Security Act and put under detention in the Presidency Jail, and police posts with machine-guns and rifles and revolvers were set up in all the offices of the India Government. That is how they broke up the India Government employees' strike by the Security Act and yet they say this amending Act will not be used against *bona fide* trade unions. Similarly in the case of the recent strikes by the cinema employees and the employees of the *Amrita Bazar Patrika* and *Jugantar*—the latter two belonging to the Congress-sponsored I.N.T.U.C.—even they were arrested under the Security Act and detained without trial though thereafter released. Therefore it is clear that the Security Act has been used to break up *bona fide* trade unionism which has nothing to do with endangering the safety and stability of the Province, to prevent which the Home Minister said yesterday this Act was designed. The Security Act and the Police were available for the rich people like Sri Tushar Kanti Ghosh or the cinema proprietors. I am painfully aware, Sir, that no member of the Congress in spite of their tabling amendments to the provisions of this Bill has been able to speak here in support of those amendments, and I know their votes will not go with me because they believe and cynically they have begun to believe that they must sell their conscience to the capitalists and landlords and therefore they have nothing to vote where peole's liberty is at stake. But I have enough confidence in my people in the factories, offices, villages and towns that they through their own experience and suffering will see the hideous face of the Congress Government and rise to take their destiny in their own hands. The onward progressive march of history will not stand still even in His Majesty's Dominion of India.

Janab SYED BADRUDDUJA: Mr. Speaker, Sir, it is after a good deal of hesitation and not a little misgiving that I have decided to take part in the debate this evening.

Sir, torn between two conflicting considerations, the demands of conscience on the one hand and the exigencies of the situation on the

other, I am feeling rather a little ill at ease this afternoon, perchance any expressions in an unguarded moment of irresponsibility might, instead of soothing troubled waters, create more violent ripples on an already turbulent sea. I am grateful to the Hon'ble the Home Minister for his clear and brilliant exposition of the Government point of view. He has explained at length the reason that has prompted the Government of West Bengal to bring forward this Security Amendment Bill. I wish I could appreciate, I wish I could support all the provisions of the Bill straightway, I wish I could identify myself with the Government. But I cannot support the Bill in its entirety because it has shot much beyond the mark. The Hon'ble the Home Minister has cited instances from outside, the rumblings of a distant thunder in South-East Asia, troubles in Malaya, troubles nearer home in Burma which have compelled the Government to resort to this extraordinary piece of legislation incorporating amongst others some of the most retrograde, some of the most reactionary provisions in the Bill.

Sir, I do not see any reason why the Security Act which is already on the statute book should not be sufficient to cope with the situation. I do not see any reason why the provisions which are incorporated in that Act, passed in the teeth of a volume of opposition from the countryside, should not be sufficient to cope with the emergencies that have arisen. Today, as my friend Mr. Khuda Bukhsh has rightly pointed out, the situation has calmed down considerably, more so after the surrender of Hyderabad, more so after stringent measures have been adopted by the Government of West Bengal to quell the disturbances that have occurred from time to time threatening the security, safety and stability of the State. But, Sir, just at this juncture to come forward with a Bill of this description, seems to my mind to be rather uncalled for, rather unwarranted. I am one of those who believe that all measures should be adopted to thwart any subversive movements in the country, all steps that are necessary should be taken to crush those tendencies and forces that tend towards disintegration of society or disruption of the social fabric. But I do not think that any such situation has arisen at the present moment. Sir, there may be troubles here and there, but it is rather unfortunate, it is rather astounding, it is rather amazing that those who were loudest till yesterday in denouncing, in condemning in no uncertain terms all the reactionary pieces of legislation, those whose compeers faced the gallows, those who won freedom through blood, toil, sweat and tears, those whose forbears gave their lives for freedom of India, those who suffered so much for the cause of freedom and liberty, should come forward with this reactionary piece of legislation at the present moment. It is really unthinkable. Some of the provisions of the old Bill are quite sufficient to tackle the situation which has already been brought under control to a very great extent. I am all the more afraid to arm officers with more powers because in the application of the old Act the officers have misused and abused the provisions in an unsatisfactory manner. I am citing one instance just now. Sir, I am coming from a constituency where certain disturbances occurred on the 18th August and 28th August. There a section of the police ran amuck and in collusion with an infuriated mob made an wanton attack on Muslim villages. Muslims were arrested and locked up in jail custody, though some of them were later released on bail. After the institution of two cases, one by Setabuddin against Assistant Sub-Inspector Sudhir Roy and others and another by Moazzemel Hosain against Officer-in-charge; Suti, and others, you will be surprised to learn, Sir, that both the complainants as also the principal witnesses were arrested under the Security Act of the Government of West Bengal. If this is the application of the provisions of the Bill, I am alarmed even to consider what would be the fate of the poor and unfortunate Muslims, the poor unfortunate minorities in West Bengal under this new Bill. I am not going to recount all the stories to show how Muslims after the partition of Bengal

have been subjected to inhuman treatment and oppression from a section of the police. Overzealous officers have taken the law in their own hands. There is no provision in this Bill for the protection of the unfortunate people against the vandalism, the aggression, the torture and tyranny of those officers who run amuck and take the law in their own hands. I could understand the logic, I could understand the reason in bringing forward this Bill if there was some provision as a check on the vagaries, on the blandishments and tyrannies of these police officers. You are afraid of a *coup de etat* by a certain section of people by a certain school of thought who want to subvert the Government. At the same time we want an assurance from you in no uncertain terms against the action of the police who in the name of law and order, in the name of suppressing the activities of those people who want to overthrow the Government, create confusion in human society, disturb the peace of the country and engender a sense of insecurity and frustration in the minds of the minorities who seek your protection.

Sir, coming to the provisions of the Bill itself, I do not see any reason why the words in section 16 of the Act "on reasonable grounds", the most reasonable part of it, should be deleted. Whether there is reason or no reason, I have seen how innocent people have suffered terrildy at the hands of the custodians of law and order. Whatever might be the policy of the Government and whatever might be the assurances held out from time to time, the villages of Bahutali, Sahajanpur and Dayarampur in Jangipur subdivision, Jalangi and Domkal police-stations in Sadar and Kaithu and Pali in Kandi subdivisions in Murshidabad district, Santipur in Nadia district, and Batanagar are lurid commentaries on what has been done by the police in the name of law and order and on the extreme helplessness of Muslims. Sir, I have got to understand yet what was the necessity of deleting the words "on reasonable grounds". I fail to understand why Government felt inclined to introduce this reactionary clause in this Bill For after all the reasonable grounds have got to be interpreted by certain people: They may be Government officials or they may be Judges who will hold the balance even between the contesting claims of two parties. They are the people who at least are above all party politics, whose minds are clear and free from reproach. They are the people who will hold the balance even. So I would naturally leave the proper interpretation of the term "reasonable grounds" to Judges who may be in a position to do some even-handed justice. But I am sorry to find that that portion is sought to be deleted, and here the Government is introducing a character in the Bill which practically repels all real lovers of freedom.

Then again under section 18 of the Act you will not allow a person even to be defended by a lawyer. It may be, as Mr. Jyoti Basu has pointed out, that he may be an illiterate man who does not know how to defend his case. Sir, even a well-educated man cannot properly defend his own case before a court of law but requires lawyers to defend him. It is therefore necessary in all fairness, in the interest of justice, in the interest of the efficiency of administration, in the interest of honour and prestige of the administration, in the interest of decorum and decency, and in the interest of smooth working of the administration, that this clause should have been here, that a person should be allowed to be defended by some sort of responsible person like a lawyer before a court of justice so that the ends of justice might not be defeated. We find that some friends of Congress persuasion too do not approve of certain sections of the Bill which are reactionary and retrograde in character, because they know that they have got to face public opinion and stand before the bar of public opinion tomorrow. It is not a question of facing your political opponent and throwing him overboard, but it is a question of facing public opinion. But in the name of democracy, in the name of fraternity, in the name of liberty, in the name of freedom, such things are being perpetrated in broad daylight as stagger even the imagination of brutes.

Naturally we Mussalmans are suffering from a sense of frustration and insecurity. Sir, the Hon'ble the Prime Minister of India the other day so kindly congratulated the Muslims for having kept calm and identified themselves with the Indian Union amidst the conflict between Hyderabad and the Indian Union. Sir, we were the first to declare in no uncertain terms that in the event of any emergency, in the event of any encroachment on India's sacred rights, in the event of any attack on India, in the event of any conflict between Pakistan or Hydrabad and India, we Mussalmans would identify ourselves wholly with the Indian Union. Sir, we have remained calm and unmoved in the midst of all provocations, we have remained calm in the midst of wanton loot and plunder of our houses and properties, we have remained calm in the midst of outrage on our mothers and sisters, in the midst of massacre of innocent men, women and children. But the Hon'ble the Prime Minister should have done well to look at the things that prevail and should have kindly assessed the true value of the exact forces that are operating behind the scene against the minorities. It is for this that the minorities are practically suffering from a sense of frustration and insecurity.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: It has come as a boomerang.

Janab SYED BADRUDDUJA: Sir, we find even Congress members have tabled amendments. But the Almighty God seems to be less powerful than the party gods themselves. The party gods are there to crush like a steam roller all urge for freedom and hush into dead silence the voice of liberty. My friends over there who had tabled those motions could not come forward to move them on the floor of the house. That shows that there is something in the Bill so retrograde, something so reactionary, something so undemocratic, so repressive in its character, in its tendency, in its associations, that even those members on the Congress side could not with a clean conscience support the provisions of the Bill.

Sir, my friends over there are talking glibly of democracy. Even Dr. Suresh Chandra Banerji, the President of the Provincial Congress Committee, says that they are afraid of Russia, and not of Anglo-American bloc which in the name of imperialism has crushed the freedom movement all over the world, the Anglo-American bloc which has divided and sub-divided India, which has divided the Arab world, and which has created confusion and troubles in the natural order of things in human society! That Anglo-American bloc you are going to hobnob with! Leave alone the Imperialists for the present. You may condemn Soviet Russia as well. We are, however, afraid neither of the Russians nor of the Anglo-Americans: we are afraid of ourselves; we are afraid of the tendencies and forces behind the scene which discredit all principles of democracy, all principles of liberty and freedom about which you talked so glibly so far. Somebody has talked about Mahatma Gandhi, the name to conjure with, who died for the cause of freedom. But what are we doing? We are bartering away the trust, the sacred cause for which he laid down his life. That is the position to which we are reduced at the present moment. Sir, I may be misunderstood. The Hon'ble Ministers may think that we are associating ourselves with subversive movements. That is not at all a fact. But, Sir, the Mussalmans of India have today completely succumbed, they have completely surrendered to the will of the majority. They are capable of no communal disturbances today in India; there is no vitality in them: shorn of all power and position they look pathetically to a past which no longer exists. Therefore if we say against the provisions of the Bill it is not because they are against a particular section of people, not because they are against a particular political school of thought in the country, but because we feel that the provisions are so reactionary, so undemocratic, so retrograde that they cut across the Congress ideals of liberty, freedom and democracy which you yourselves declared from housetops so often in the past.

Janab MD. KHUDA BUKHSH: Sir, after the wonderful eloquence the honourable member who has just spoken I think my speech will fall fl on the House. But before this Bill is passed into law I have a fe observations to make and also a few requests to make to the Hon'b Minister in charge of the Bill, through you.

Sir, the Hon'ble Minister, when he was in Pakistan and when tl Security Bill was before this House, condemned the Security Bill in r uncertain terms and, Sir, he said that it was for the good of West Beng that he did so, but now that he has come over and he has taken the rei of Government of this Province, he has seen fit to bring in this amendin Bill which increases the rigours of the old Bill.

Sir, he has only told us that there is Communist menace developing a around and that he fears that there might be infiltration of the Communi menace into this land of ours. He also produced yesterday, Sir, a ver impressive list of arms and munitions seized by the police in the mufass and also in the city of Calcutta. Sir, I should like to ask him to give u when he replies to our speeches, a detailed account of the seizures so th we know exactly where the arms came from, where it was that they wer seized and from whom. They must not think that patriotism is the monopol of the Government benches. Sir, we are quite as much anxious to preserv the peace, tranquillity, safety and stability of the Province as the Hon'bl Minister in charge of the Bill. Sir, he is shaking his head and perhaps h is questioning our *bona fides* again. I do not know how to satisfy his min because he seems to possess a kind of mind and habit of thinking that n amount of protestation, no amount of telling will allay his doubts an suspicions. But here we are to make our submission. Whether he shake his head in derogation or whether he shakes his head in approbation doe not matter to us because we know he cannot change his habit of mind.

As I have been telling you, Sir, we are certainly anxious that ou newly-won freedom should not disappear in anarchy and we shall co-operat with the Government if the Government were to take us into their confi dence. If they were to tell us where the menace was developing exactly what was the nature of the menace, we would be prepard and only to pleased and too glad to offer our co-operation to the Government in puttin that menace down, but, Sir, Government have chosen not to take us int their confidence.

The honourable member who has just spoken has mentioned the applica tion of the Security Act. I can only reiterate that I would wish to hav categorical assurance that in its application the Hon'ble Minister woul see that the Bill is not administered by officers with any pre-conceive notion or any pre-conceived bias against one or any other section of th people.

Sir, the honourable member who just spoke has told you and the Hous that in a recent case in his constituency the complainants against the polic as well as the principal witnesses in a certain other case were taken int custody under the Security Act. Now, Sir, where is the guarantee? Th Hon'ble Minister might get up and say "We shall see that this Act i administered with fairness and administered without any prejudice o without any pre-conceived notion or bias". But he must also tell th House that he would take it upon himself to see that the officers administe those powers—to call them sweeping would be to underrate the characte of this Bill—with fairness and see that nobody has any cause of apprehensio about its application. Sir, we have seen before and, we do not know, i may again come to pass unfortunately that this Security Bill might b used whenever there is some cause for tension between the Indian Unio and any other country—may be Pakistan or Arakan or it may be Burma or, for that matter, Timbuctoo. (The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Not Honolulu.) Or Honolulu. If you have any apprehension that

Communists are infiltrating from Honolulu and hatching up plans against this country, you can also proceed against Honolulu. But we are concerned with our own safety. We want to get this assurance from the Hon'ble Minister that in its application the Bill will be applied with fairness and honesty.

(The House was then adjourned for fifteen minutes.)

(*After adjournment.*)

Janab MUDASSIR HOSSAIN: Mr. Speaker, Sir, all the amendments have been unceremoniously rejected and at the third reading of the Bill, this Bill appears in the terrible form like সংহার মূর্ত্তি of the deity Kali with a garland of skulls (নরমুণ্ড) in her neck. This Bill now appears in all its glory. The Goddess Kali has been worshipped in ঘোর অমানিশা at the dead of night when the silence of death reigns supreme and I find that in this অমানিশা darkness, the অমানিশা like dark Bill has been worshipped in dead silence with hatchet in hand and sacrifice of the buffaloes by the party in power. (Laughter.) This has been done in the name of democracy, in the name of civilised State, in the name of the protection of the infant State.

Sir, when such Bills were enacted during the British regime, these very gentlemen used to denounce such Bills as black Bills of the first magnitude and always used to abuse right and left everybody who was in power then. Now, Sir, it is an irony of fate that these very gentlemen who were denouncing much milder Bills during the British regime as black Bills of the first magnitude have now come to sponsor and support a Bill which far surpasses the stringent and cruel provisions of the other Bills which were enacted during the British regime.

Is there any justification for the enactment of this Bill? That is the only point for the consideration of the House and if I can convince that there is absolutely no justification for the enactment of such a Bill, I would pray, humbly pray, to the Hon'ble Minister for dropping the Bill and make some other provisions for the development of our State for creating unity and such like things which go to ensure the independence which has been achieved by us at heavy cost and sacrifice.

The first question is what is this Bill for? (A VOICE FROM THE GOVERNMENT BENCHES: For killing buffaloes.) (Laughter.) For killing buffaloes and for killing *panthas*, you have done these things. (Renewed laughter.) If you go on laughing in this way how can I deliver my speech?

Mr. SPEAKER: Please go on.

Janab MUDASSIR HOSSAIN: In the midst of all this laughter how can I go on? I am delivering an extempore speech.

Now, Sir, what is the justification? Sir, I have no doubt that my friends over there whom I think to be very sensible men, whom I think to be honest men, about whose *bona fides* I have no doubt, have been misled by persons in whom we have no faith. In my opinion our leaders on the other side have been misled. Mr. Kiran Sankar Roy is one of my leaders. (Laughter.) (A VOICE FROM THE GOVERNMENT BENCHES: Why oppose him?) Even in the *Hadis* it has been said: "Well, whenever your leader follows the right path you follow him, but whenever in worldly affairs he does not follow the right path you have the right to criticise him and point out to him that he is not following the right path, and if in spite of your criticism and in spite of your warning he does not follow the right path you will revolt against him". That is the injunction of Islam. I acknowledge that he is one of our leaders but he has been misled.

If the State is really in danger, if the safety of the State is in jeopardy, then and then only you can enact measures against those enemies of the State who are bent upon making mischief and creating trouble. Sir, that

is the *sine qua non* of enacting any measure for the protection of the State. Sir, there are various elements in the country. Some are Communists, some are Bolshevists, some are Congressmen. As Congressmen you say you represent everybody. As you represent everybody you are Communists also in that respect. (Laughter.)

You have been receiving information from false sources, from selfish sources, because people who give such information thrive on on false information. If they do not give such information you will say: "The police be damned; they are doing nothing". They are simply getting fat salaries and are being fed at the cost of the people. So, Sir, my honourable leader has been misled by false information which he enunciated when he opened the debate as to why this enactment is necessary. Taking into consideration the views which have been expressed by him and the facts which he says have been collected by his informants, I say that this is altogether a myth. In fact, it does not exist. I say this because we have been moving about throughout the country and I see nothing of the kind. The Communist movement is not for the purpose of overthrowing the State or destroying the State. The Communist movement is an economic movement. It is a school of thought just as the Congress is a school of thought, and there are people like us who belong to another school of thought. A democratic Government, a civilised Government must be tolerant of all these things. (Janab MD KHUDA BUKHSH: You are a college of thought.) (Laughter.) The party in power must create a constitution and make laws which will be of benefit to all the people, in order to enable you to take others who differ with you. Instead of doing that, you have been trying to put a movement down and arrest people without any notice and abstract them away from their people and put them in jail without giving them any opportunity to explain about their alleged action and conduct. As was pointed out by my learned friend, Mr. Badrudduja, you are so very unreasonable that you in your anxiety have eliminated the words "reasonable grounds" from the Bill What are you afraid of? This is altogether an inquisition and Star Chamber method.

Now, Sir, my time is up. I do not like to speak much longer. I only want to make this submission to our leader, Sri Kiran Sankar Roy. He is a very honest gentleman, and he thinks that this measure is necessary for the protection of our State. But I say that it is not necessary, but if you think that suppression and oppression can achieve things you are altogether mistaken. If suppression and oppression eliminate and destroy a movement or prevent a person from acting according to his ideal, then you Congressmen will not be in power and the British would not have disappeared from the scene inasmuch as you always say "we are নিপীড়িত কংগ্রেস কর্মী (oppressed Congress workers)".

Mrs. E. M. RICKETTS: Mr. Speaker, Sir, although I am prepared to support the West Bengal Security Amendment Bill, I would like to voice my objection to the manner in which this Bill is being pushed through this House by the weight of numbers. When this measure was first introduced under the name of West Bengal Special Powers Bill, Government very reasonably agreed to refer it to a Select Committee where it was sufficiently sugar-coated to receive the support of almost all sections of the House. Now, however, the screw is tightened, and to a mere outsider, events in Burma and the Far East hardly seem sufficient justification for giving to even the most saintly of Governments, such absolute and dangerous powers. Of course I have specific objections to certain clauses of this Bill, but these have more or less been covered by the remarks of members from this side of the House. I would only like to add that from a human point of view I think it most unnatural that husbands should be expected to refuse shelter to wives and wives to husbands. This is against the natural law, which is, after all, the first and supreme law. As far as general remarks go I would

like to say that since it has been so often mentioned that this Bill is mainly designed to control the Communist Party, it seems to me that a better way in which to combat their activities though, of course, a much more difficult way, would be by a policy of advanced State socialism. For a generation the anonymous millions of India have been promised an improvement in their situation with the dawn of independence. For these poor suffering people even a year of continued suffering is a year too much. Repressive Acts and Ordinances are an undesirable and futile weapon, as one of the Hon'ble Ministers has already mentioned; they are indeed a boomerang likely to turn and wound the wielder. I would therefore like to recommend, most humbly, to the very powerful Congress Assembly Party, that they would have less faith in repressive ordinances and devote more time and attention to constructive work for the people who have so trustingly returned them to this Assembly.

The Hon'ble Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I had no idea of taking part in this debate but for the brilliant and sharp speeches that were just made from the other side of the House by Janab Mudassir Hossain. I must confess, Sir, that after his speech I am suffering from a disability and I do not know whether I can impress upon this House after the arguments that he has advanced. But, Sir, I would like to refer to one or two things in particular. In the brilliant speech delivered by the Hon'ble the Home Minister while introducing this Bill he made amply clear the reasons that made it necessary to introduce this Bill. You must realise that for those who have suffered for liberty, for those who have suffered for gaining independence of their country, for those who have fought repression by non-violent means it is naturally obnoxious for them to bring in a measure that tries to curtail the liberty of the people. But, Sir, as was made amply clear, it is necessary, Sir, in the context of things today, to bring this measure not certainly to suppress the liberty of the people but to uphold the liberty of the people by not allowing the minority to force the majority to their ways of thought and action. Sir, it is in this view that those who have suffered for independence, those who have fought for independence, those who have struggled for independence, those who have made sacrifices and sacrificed everything for independence, have today been compelled to bring forward this measure. Sir, the responsibility for this measure really does not lie on them. Sir, it is for the people to judge how they would like to behave. If in this country everybody is united on this principle that after all we shall be governed by reason and by the results of the ballot box, then, Sir, there is no question of resorting to arbitration by the sword. As I mentioned the other day during the discussion of the Draft Constitution, if our arbitrator is not the ballot box then our arbitrator will surely be the sword. And, Sir, if a minority tries to coerce the majority by the use of the sword, Sir, I may assure all sections of the House and through them, Sir, the majority of the people that sword must be met by sword. Sir, exception has been taken to the reference that the Hon'ble the Home Minister made to the events that are taking place in China, in Burma or in the South-East Asian countries. Sir, it has been said that the Home Minister was seeing a spectre and has been hearing the rumbling of thunder and that that has scared him into bringing this measure. I would ask this question. Would you ask us to wait till anarchy and chaos overtake us and create confusion in every part of our country so that there might be no time left to take ample precautions to combat them or to be prepared from before so that there might be organised resistance to such anarchy Sir, I would particularly ask the members representing the minority communities: Will they see to it that the Government is armed with sufficient powers to take precautions in time, or are they willing to wait till anarchy overtakes them, overpowers them and takes the minority by surprise without there being time to give the minorities protection which they deserve? I would also ask the honourable members opposite: Would

it have been more palatable if the Hon'ble the Home Minister revealed all the unhappy events and things that are happening here? I would not like to mention everything because the Home Minister himself has not chosen to give a long catalogue of the events that are taking place and the events of which he has knowledge. He has given a few specimens for the information of this House and that should suffice. But, Sir, I may refer to only one other instance. Sir, in yesterday's mail I received a paper called *Swadhinata*, dated the 30th August, and in that, Sir, it is said that

৪২ হাজার পুলিশের অনশন ধর্মঘট; পশ্চিম বঙ্গে বাঙ্গালী, হিন্দুস্থানী ও গুর্খা পুলিশের ঐক্যের নিদর্শন এবং প্রদেশপালকে তাহাদের দাবী মিটাইতে হইল

and it goes on to say that there was a great strike in which 42,000 policemen were alleged to have been involved, that they went on strike in Calcutta and that the Governor had eventually to intervene and settle the matter. I confess, Sir, that this is news even to me, a Member of the Cabinet, and I have no knowledge that such a great event was taking place before our very eyes. Then, Sir, it gives another interesting piece of information, namely, that a tunnel telephone had been set up connecting the Home Minister's residence at 8, Theatre Road, with Fort William. As the Minister in charge of Works and Buildings I do not know of this project and it is news to me. With this sort of propaganda going on, may I ask the House whether it is not time to put down all such deliberate terminological inexactitudes and statements which are absolutely contrary to facts? Are we prepared to allow persons to propagate this sort of thing? Then, Sir, may I ask how many times subscriptions have been collected in Murshidabad for carrying on an agitation to get Murshidabad incorporated in Pakistan after the 15th of August, 1947, on which date Pakistan was carved out of India. May I ask, Sir, whether it is not a fact that persons had gone from Murshidabad to Dacca on this mission with funds at their disposal just to carry on this agitation? Sir, I would be happy if I am contradicted and contradicted on the basis of facts and I would be glad to learn that no such thing took place. Sir, if this sort of thing is going on across the border, if smuggling is going on in an uncontrollable manner, then do you think it is wrong for the Government to assume more powers to put down anti-social activities of such people? Sir, I should like to refer to one or two statements made by Mr. Badrudduja. Mr. Badrudduja, I must confess, has made two astounding statements. He has referred to certain incidents that took place in certain parts of Murshidabad. So far as my knowledge goes, there was no massacre there and the troubles that took place were soon brought under control. But what really stunned me, what really surprised me was the statement that if there is no communal trouble today in India, that is because the minorities have not got any energy left in them because they are suffering from a sense of frustration. May I enquire, Sir, had the minorities had any of the energy left behind, they would have again taken to communal trouble. Is that the import and implication of his speech? Sir, I was astounded also to learn that the minorities were suffering from a sense of frustration. I must confess that this dashes to pieces all the hopes that we were nurturing in our breast that the minorities were choosing to stay in India and were looking to India as their motherland and that getting rid of all the communal and past complex would join us in a common and united effort to build up the glorious India of our dreams. But I was sorry to learn that the minorities are as yet suffering from a sense of frustration, and if that be so, Sir, may I ask how they can contribute usefully to the welfare of India and march forward to the India of our dreams. It is a sad thing for us to know that the minorities are suffering from a sense of frustration. For those who cannot yet get rid of that frustration complex I must confess that it would be more honest to cross over and settle where they will find their ideals to be put into operation. Those who want to stay here will have to side with the ideology that India is choosing, the ideal of a non-communal secular State where the right

of every minority is assured and no minority need be afraid of anything. I will not refer to other points now made out by different members from that side of the House, but I would only say this in conclusion that the charge that has been brought to this side of the House is that those who had asked for the freedom of this country are now trying to imitate the examples of their British masters and are now carrying on the task left unfinished by British Imperialists. Sir, I deny this charge with all the emphasis that I can command. It is not a fact that the members on this side of the House are playing the second fiddle to the Anglo-American imperialists. Now when that is not a fact it is well known on the other hand who during the dark days played the second fiddle to the Anglo-American imperialists. Sir, I need not name them. That would be irritating them, but we know quite well who in those days were aiding the British imperialists in this country. We are determined to see that no imperialism of any brand, be it British, American or Soviet, takes root here again and puts this country under its domination. It is our determination to see that this country will be free and independent and will have every right to choose its own ideology, its own system without any interference from any foreign country. If we find therefore that any country is creating trouble with a view to playing the second fiddle, may be, to Soviet Russia, we are prepared to resist such efforts with all the power we possess. Our ideal will be to develop a Kishan-Mazdoor *raj* from inside, not that of Russia, of whatever brand that may be, and not from outside. Sir, that is the fundamental teaching of the Congress. We mean to say that we have achieved independence and we mean to say that we want to retain it and do not want to be a satellite country like the countries of Eastern Europe or of South-East Asia.

With these words, Sir, I would ask you not to take the Security Bill with a sense of suspicion and not to say that this power has been used here for breaking up strikes. Sir, instances have been cited that these powers have been used to break up strikes but they have not been used against the landlord and rich men and against saboteurs and black marketeers. But, Sir, the fact is that this Security Bill has been applied more than once against the black marketeers in the border areas in 24-Parganas and in West Dinajpur. I would therefore appeal to all sections of the House to see to it that the rights of the minorities who have chosen to stay here and subscribe to the Indian Union are safeguarded, but that there may be no subversive activities and there may be no one free in the land who is looking forward across the borders just to import some sort of imperialism; may be, of the Soviet brand or any other brand to enforce this country into a new form of slavery.

Janab ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I wish the Hon'ble the Leader of the House had asked his younger colleague not to take part in this debate. Speeches of the type delivered by him instead of creating an atmosphere satisfactory to the cause which is being advocated by Congressmen in this House, are likely to create a reaction which will do nobody any good. Sir, you will understand the old adage "مدعی سست گواہ چست" (the plaintiff is silent but the witness is talkative). I wish the Hon'ble the Home Minister had given us all the arguments that the Hon'ble Minister who spoke last gave us. Then we would have understood where we were wrong and where we were right. Sir, to my amazement a strange metempsychosis has come over the Hon'ble the Home Minister. While the Security Bill was being discussed in this House, when he was not among us, he, in his great wisdom, is reported to have said—and if I am wrong I hope I shall be corrected—in the words of Lord Acton, that absolute power corrupts absolutely and people mistake Government for the State. I am prepared to make a margin for him. From before the time that he entered this House as a Minister and after his

entry into the House and the Cabinet, he got, perhaps, better information and, on that basis, he has changed his mind. What he then considered as improper and incorrect, he now considers as proper and correct. In spite of the fact that he has no reasonable grounds for his action in bringing the Bill before the House, he is now of the opinion that this Ordinance must become a part of the law of the land and be placed on the Statute Book. Sir, making Ordinances permanent pieces of legislation is the lowest depth of misery in statesmanship. In other words, laws, measures and rules which were required for special conditions and on special occasions are going to be part of our permanent law. They cannot think of anything new. They talk of freedom and independence that is supposed to have come to us in spite of our being a Dominion. They think that independence and these reactionary measures and the reactionary mentality behind them go hand in hand together.

Sir, you must have been amazed and astounded, as I was, by a reference to Communism as it has spread according to British News Agencies and newspapers in Burma, in Malaya, in Indonesia, in Siam and in French Indo-China. May I remind some of the older members of the Congress in this House that, after the war of 1914-18, when Mrs. Annie Besant started the Home Rule League, these very same people, the very same agencies and the very same politicians, accused her and the members of the Home Rule League of having got their funds from the newly established Bolshevik State in Moscow. Sir, I am surprised that the same argument is being used today. They are imitating others and they are using political claptrap that does not do them justice. Communism in Burma, Malaya, Indonesia, Siam and in French Indo-China means nothing more and nothing less than the grabbing capacities of Colonial Powers in those territories. Sir, I can appreciate an Anglophil or a Dutchphil or a Francophil using that argument, but to come and tell us on the doubtful authority of interested publicity that Communism, because it has come next door, is going to invade our own homes, is something ridiculous, is something unconvincing, is something that should be withdrawn if the gentlemen who use such arguments think that they are really on true and dependable grounds.

Sir, I am again surprised at the fact that arguments are being brought before us which again are not convincing. Imagine, Sir, the lonely fight that the only Comrade in this House has been putting up from his peculiar viewpoint and from his peculiar idealistic mentality, but Mr. Speaker, Sir, if people in this House tell me, now quite old in politics, that Communism rules supreme and there is danger to the State because these isolated gentlemen who preach Karl Marx and Lenin and even Stalin today are going to subvert the Indian system of Government, are going to grab power as some people have done and refuse to leave it, Mr. Speaker, Sir, then I shall declare myself to be a person fit to be sent to a lunatic asylum.

Mr. Speaker, Sir, we have heard arguments and we have them repeated *ad nauseam* that it is this and it is that. It would have been more honest, it would have been in the fitness of things, if the Hon'ble Minister had told us that there is danger of this Government being upset, that there is danger of the resentment of the public against the Security Act and this illegitimate baby of it that is going to become legitimatized this evening, is necessary for keeping the present Ministers in their jobs. I do not grudge them that position, Sir. The Hon'ble Minister who spoke last seemed to feel like the dog under the cart that the whole weight inside the cart was being carried by him on his own shoulders. Mr. Speaker, Sir, I should like any member of this House, old or young, to stand up and tell me that the Muslim did not share or bear his share of the fight for freedom in India. I am prepared to accept the challenge and to convince him that in all the activities of Mahatma Gandhi we took a larger share than our numbers justified. (The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Not the Muslim

League.) Mohandas Karamchand Gandhi became a Mahatma because of us. Mohandas Karamchand Gandhi was rejected by his own people; we put him—to translate an Urdu idiom—on our head and eyes, and, Sir, in all humility I declare that Mahatmaji laid down his life because of us. We shall be an ungrateful people; I shall consider myself a wretched creature if that sense of gratefulness is not present in my heart, but to claim that India belongs to the majority and that the Muslim minority in it does not exist is an attitude of mind that is surprising.

I heard the word communal. Sir, people who believe in the *varnashrama*, people who refuse to drink a glass of water out of my hand, talking of democracy, talking of equality, talking of brotherhood and fraternity, are uttering political nonsense of the highest order. Mr. Speaker, Sir, I have not wasted the years of my life in not understanding the mentality of my countrymen. I was told only a few months ago that after having done this and after having done that and after having done the other thing, how dare you talk in terms of freedom and liberty? Sir, after the loss of the Mughal Empire we became subjects and servile. We can continue to remain in that position if those who talk of democracy and equality are not prepared to advance to us rights of equality as they have refused and they are refusing to advance them not to us but to the untouchables the disinherited ones of India, the people who were the inhabitants of this country, before the Aryans came and before the Brahmana influence took possession of the country.

Holding those views, Sir, I am trying to impress upon the Hon'ble the Home Minister whether, even at this late hour, he will be prepared to forget the bogey of Communism and to allow the Indian mind, both among the majority and among the minorities, to feel peaceful, to realise that now a change has come over the country, to let him feel that he will sleep happily in his house and that he will be allowed to go about his business peacefully and in a decent way.

Sir, argument has been used about the Eastern Frontiers of West Bengal. Argument had been used in this House a bit earlier about strategic roads and about perhaps a Maginot Line to be built right from the Bay of Bengal to the confines of Assam. This creates a type of reaction. We who have decided to stay in India, we who consider India as much ours as of any member sitting in this House, we feel that we deserve better consideration than the petty and cheap remarks thrown towards us by members of the Government, whose responsibility should be a bit higher than that of the ordinary members of the party. Sir, Hon'ble Ministers have on occasions behaved as I did not expect of members on the Treasury Benches to behave, but we have come to this sorry pass, we have come to a system where people who disagree must be devoured, must be killed, must be put out of action. Sir, as the Hon'ble Speaker of this House, it must have surprised you that Bills are produced in this House like sausages in a sausage factory. A Bill is introduced, a Bill goes through its various stages and then a Bill is passed as amended and settled in the House. The whole process does not take more than a few minutes.

(At this stage the blue light was lit.)

Mr. Speaker, I shall sit down, but this light upsets me.

Sir, honourable members on the Government benches make no contribution to the debate. They let us speak and then laugh at us for the arguments we produce. Mr. Speaker, that shows either empty-headedness on the other side or a very clever attitude of mind where they divulge nothing, where they do not tell us why they want to break our heads, and yet they do get power to do as they like. Sir, I could have gone on, but this light always upsets me. I would appeal to the Cabinet that even when it does get this power, for God's sake, in the name of the liberty and freedom and independence with which you seem to be intoxicated, in the name of that

equality, for God's sake, do not abuse this Act or better still do not use this Act at all. Have confidence in your brothers, even if they are Muslims You have seen how demoralised they have become. You can wipe them out; you can do what you like with them, but do not deny them, at least, a bit of peace of mind.

Argument has been used that this Bill is intended for the Communists alone. I differ from that point of view. My feeling is that the whole effort behind the Bill here, as in other Provinces is to crush opposition from any quarter wherever it may raise its head. The camouflage is too thin to hide their real intentions. Sir, the lesson of Russia, the lesson of China and the lesson of Turkey, have not been wasted on those who hold power in the High Command of the Congress. I see as well as I can even with my glasses, Sir, that the whole system behind the policy is the establishment of a One-Party Government. Those who vote with us are our own; those who vote against us are our enemies. With that mentality, Sir, neither the ideals of Mahatma Gandhi nor the ideals of the older school of Congressmen will materialise. With power in their hands, they will be able to crush opposition. The word "boomerang" was used in the debate today. I shall not use that simile but I will most earnestly inform the Hon'ble Home Minister that even a worm turns. Let the worm die a natural death. Do not crush it by trampling it down. (The Hon'ble Sri KIRAN SANKAR ROY: But an earthworm does not.) Whether it is an earthworm or a skyworm, perhaps the Hon'ble the Home Minister knows better with his various dubitable and non-dubitable sources of information. He has given us a list and a long list of material of a military character that his department has collected. In his final reply, if he makes any, he will, I hope, be gracious enough to inform us whether any of the people who brought this material to the Police Department, either voluntarily or otherwise, have been arrested or have been put in Jail. Has any one been tried under the Security Act or any of the other Acts? He will also, I hope, tell us whether the remaining material with the people was with people who are 100 per cent Communists, whether there were any Congressmen, whether there were any Rashtriya Swayam Sevak Sangha people, whether there were any Mahasabha people and last of all whether there were any Muslims among them Certainly punish them. We have been disarmed people for almost a century and a half, and we have not learnt the art of using these arms well I shall, therefore, await an explanation from the Hon'ble the Home Minister and shall sit down by repeating my appeal to him "for God's sake, do not make use of this Act".

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, as I listened to the debates and particularly after I had heard the lucid exposition of the present situation given by the Hon'ble the Home Minister while moving this Bill, I had hardly expected that there would be an acrimonious debate in the same old fashion as this House had been used to I expected, Sir, on the contrary that a measure of this kind, after the Hon'ble the Home Minister had advanced facts and arguments in a perfectly objective and masterly fashion without the slightest rancour towards anybody, and made an appeal to every one to consider the measure on the basis of the security of the State, would be welcomed. Instead of coming forward and responding to that appeal with constructive suggestions we found, Sir, an attempt has been made to create a cloud of confusion and to raise all manner of false alarm. Sir, the most unfortunate part of it is that some honourable members have chosen to become the champions of civil liberties. It is perhaps a tragic thing for us to have to hear the advocacy of civil liberty from those who in the days of complete muzzling of civil liberty of the Indian people in the land of their birth had never thought it their duty to raise their voice in protest. We knew, Sir, during the years of muzzling of civil liberty, especially from 1942 onward, what had been their past behaviour. The honourable member representing the Muslim Chamber of Commerce who has spoken just before me—I may be forgiven for repeating

facts and for reminding the House about those facts—when patriots were rotting in jail, when patriots had been huddled behind prison bars and were undergoing the most oppressive treatment in prison, when on the floor of this House a discussion was taking place for pleading with Government for a better treatment of political prisoners inside the jails, that honourable gentleman representing the Muslim Chamber of Commerce, who has been used perhaps to computing gains and losses on a commercial basis and has had no occasion to evaluate life in any other sphere, on any other basis, simply scoffed at the idea and characterised the cry as a cry for treating the political prisoners as "*damads*" of Government. That was the very expression used by the gentleman who today springs up as the champion of civil liberties. The Hon'ble the Home Minister has explained for whom this measure is meant. If even after that assurance and explanation the honourable member insists on thinking that he has reasons to become nervous, I am only sorry for him. (At this stage Janab Abdur Rahman Siddiqi left the Chamber.) Sir, the honourable gentleman runs away but he left behind his fears expressed and on record in the proceedings of the House. The honourable gentleman who proclaimed his loyalty to the Indian State proclaimed himself as an equal citizen with the most loyal citizens of India stated that there was perhaps an idea in the air of a Maginot Line stretching all along the 700 miles from the Bay of Bengal up to the frontiers of Assam. But, now, Sir, may I ask if anybody thought it fit with competence on military matters that a Maginot Line was needed for the protection and safety of the Indian Union. Can there be any loyal citizen of the Indian Union who will get alarmed at the prospect of such a Maginot Line if that were to be constructed? Sir, who would be interested in expressing alarm at the prospect of the Indian Union being defended and fortified against chances of invasion?—it is for you to judge. Sir, I am sorry that that gentleman made it convenient to run away and not be here for me to pause for an answer from him. I hope, Sir, searching his own heart he knew what the answer was and perhaps the expression of his fear came out in an unguarded moment and it amounts to a confession of the inner leanings which makes him so suspicious of this Bill which is meant to be applied against none else but the enemies of the State. Sir, looking back we need not forget that there has continued a struggle between opposing forces in this country either through the bonds of slavery or through the thirst for political freedom whether in times of war or in times of comparative peace, a ceaseless struggle has gone on between the forces of liberation of the country, forces of all-round liberation who have aimed at the achievement of political, economic and cultural freedom for the people of this land and those who have helped the extraneous powers in perpetuating the subjugation of this land. Sir, whether we look to the glorious traditions of the Non-co-operation Movement or whether we look to the days of the Civil Disobedience Movement after a decade between 1930 and 1932 or whether we look to the final phases of our struggle for independence in the Quit India Movement in 1942 onward, we see, Sir, the opposing forces, whose remnants are still there within the Indian Union, have, on every occasion, allied themselves with the foreign power in order to deprive the Indian people of its freedom. (Shaik MOHAMMAD RAFIQUE: Muslim League was not involved, I believe.) May be, there is no Muslim League today to which you belonged formerly. You might have changed overnight. We shall expect a change and a searching of heart and shall respect you to put forward your honest claim of having really changed.

We have seen, Sir, that in 1930-32, in those days when the Civil Disobedience Movement started—I shall not say a Russian sponsored Communist party—we saw the first beginnings of a sort of agency of the British Communist Party in which I have reason to believe there were agents of the British Foreign Office pursuing the British Foreign Policy who had actually created an offspring in India of a politically doubtful legitimacy and used those politically illegitimate offsprings on the Indian soil to pull down the National Flag on the Chowpathi sands of Bombay. They burnt it and trod

upon it. That was the history and that is the record with which this so-called Communist Party of India, in other words a mere Imperialist sector nurtured and piloted by the policies dictated by the British Foreign Office, had sprung up and started their career of treachery and betrayal. Sir, after that we found again they tried in every possible way to take the edge off the revolutionary movement in this country. When in 1939 there was a cry from the people that the Congress should declare its final struggle against British Imperialism and the Congress should give a final ultimatum to Britain it is these people and this party which opposed that move of those who were striving to that end.

Then, Sir, the Congress leadership in its moderation was trying to go slow, was trying to be more cautious, but, Sir, the plea taken by this pseudo-revolutionary party was that there should be no movement at that time launched against the British Government and they did it in the name of the Congress. But when the Congress did give the call in 1942 they were not with the Congress. They were with Sir Reginald Maxwell, under whose Chairmanship they met together at Deoli, adumbrated their plan of a Peoples' War to counter the activities of the Congress and after giving their undertaking to their Paymaster, the British Power, they were declared a legal party legitimate for the British purpose of depriving the people of their foodstuffs, to denude the homes of the people, taking the Indian womenfolk out of their homes to be engaged in looking after and nursing British soldiers in the name of the W. A. C. Movement. And it is they who under the help and patronage of their paymasters had blossomed forth as a legal party enjoying all the patronage possible in this land. When Congress and the father of the nation, for whom we find streams of tears though belated flowing from the eyes of the new devotees of Mahatma Gandhi, were rotting and languishing in jail, they were sitting aloof and their allies, the Communist agents of British Imperialism in India, were busy very actively propagating support for the British war efforts. Sir, they were doing this at a time when our villages were being razed to the ground. We know what happened in Midnapore, Balurghat, Satara and elsewhere. Sir, I can say with all the sense of responsibility I can command that that was the period when even Indian policemen who in order to earn a living had joined the British service —there were elements among them—were cautioning and helping the revolutionaries who were in hiding, but the Communist Party were helping their British paymasters and handing over the revolutionaries to the police. That was their role in those days. That was the time when famine was afoot on the one hand, and on the other these activities of theirs were going on. And now standing up before the public they say—we know public memory is very short—that black marketeers are all about. But, Sir, the black marketeers were the creatures of the British and they were the companions of the British who were thriving on them. Black market started with the taking away of people's foodstuffs from houses and these persons belonging to the Communist Party of India had actually aided and abetted what the British were doing in the name of the denial policy, the infamous denial policy of Sir John Herbert. There was no other party, not even the Muslim League Party who supported the denial policy. But these agents of Imperialism, the Communist Party of India had done so. But today, thinking that public memory is short, they stand up and condemn black marketers. Today they also talk of trial! If trial was to have taken place, we must confess that there ought to have been a trial in order to ascertain the war-time guilt of these agents of the British Power. They did not stop there. I have repeated more than once before the House, but I think it bears repetition, that the Communist Party of India to ingratiate themselves with their British paymasters said that they were so loyal that even if Subhas Chandra Bose, the beloved Netaji of the Indian people—today they talk of celebrating his birthday in order to hide their colour as fifth columnists—came back to India, he would get the reception which he had not bargained for, not garlands but bullets. That is the indication of the

patriotism of this Communist Party people. Sir, I say this with a feeling of sadness in my heart that today they have got the opportunity of hiding their colour by aligning themselves with all the forces who through peace and war have consistently opposed the Congress. Today they may have got a part of India sliced out by having formed a Muslim League Party. Those gentlemen who were now vociferously talking of the Muslim contribution to the freedom of India know very well that it is the contribution of the citizens of India some of whom are Muslims by religion and they know quite well that the Muslim League to which these venerable gentlemen belonged had not the decency of sending a word of condolence after the death of Kasturba inside a British jail. See the decency of these people, and the Communist Party has formed a free alliance with them as they did previously with their British paymasters! Today the honourable member from the Muslim Chamber of Commerce was pleading on behalf of the Communist Party. He was holding a brief for them. I think his pleading would be more needed at Karachi where our friend Dr. K. M. Ashraff is detained by the Pakistan Government for his activities. Instead of doing so the honourable member from the Muslim Chamber of Commerce wants us to give freedom to his client to proceed and advance as he likes and he abhors the idea of a Maginot Line being constructed for the safety of the Indian Union. In whose interest, I ask, was that honourable gentleman speaking?

Again, when we look to the provision of the Bill, much has been said by honourable members opposite about the reasonable grounds being the only reasonable part and that being deleted. It is known for a fact that when this House passed the Security Act, the House accepted the responsibility that the Government which is responsible to this House has been empowered to exercise powers of detention without trial and the powers to determine whether there was any necessity for detention. That power of detention was the function of the executive Government. So the Congress Party has proposed that Government is being given power for a period of time, but if detention is to be continued after a particular period then the reviewing Judge would be reviewing the case which should be placed before him, and in doing so Government would strictly see that Government exercise those powers on reasonable grounds. But it was not meant for the court to adjudicate and determine whether the necessity for detention arose, for there is contradiction in the body of the Bill itself. (Blue light was lit here.) Sir, I want a few minutes more.

Mr. SPEAKER: You go on.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: If that power was intended to be given to the court and there was no provision for executive power, immediately a man has been detained he might have moved the High Court under powers analogous to the *habeas corpus* and the whole matter might have been adjudicated within twenty-four hours after arrest. Instantly after arrest the High Court might be approached. If that was the intention then there was no need for the provision of the Judge examining the case. It is precisely there that the confusion arose. These powers are of the nature that unless the executive authority of the land by the exercise of the power ensures the safety of the land, there would be no High Court left there to adjudicate upon. One honourable member said that the High Court may be patriotic: Sir, all, the High Court is not the policeman: the High Court's job is to adjudicate according to the laws enacted in this House, and after a thorough trial in which a man would be convicted the High Court would pronounce its sentence. If that was the purpose of the Bill, namely, to give this power to the High Court, there was no need of talking of detention without trial. There is some intellectual dishonesty in trying to evade the issue. We plainly acknowledge that the House has taken the responsibility of detention without trial, and therefore this is contradictory that you use detention without trial, and at the same time you ask powers to be given to the High Court to adjudicate. If that is the position,

why has the Government taken the odium of detention without trial? About the interest of people, I may say that there are two methods of ensuring the safety of the State. The Indian Army had to march to bring to book and reduce the Razakars who enacted a reign of terror. There might be a situation analogous to what we had witnessed during the Calcutta riots. The situation was allowed to develop and not a soul was arrested for preventive purposes and not till ten thousand people had been murdered and there was complete chaos and anarchy. Is there anybody in this House or outside who would not say that Government would be a hundred times justified if Government had chosen those organisers of the riots and arrested them and detained them without trial so that Calcutta might have been spared that ordeal? Today we have to choose between two things—either we allow the situation to drift, or we deter the agents analogous to the Razakars or such other internal enemies of the State before they are allowed to go too far when the Indian Army has to be called for, when Martial Law has to be proclaimed and this House would not be there and a Military Governor would have to rule. Do you want that situation to arise here? Nobody objected to the Indian Army entering the Hyderabad State to reduce the Razakars.

Sir, we are using not the Indian Army but the armour of the Security Act and that armour is prepared and forged on the anvil of this House in order to arm the Government so that things may not proceed too far and preventive measures may be taken.

Sir, we have to choose between two alternatives—either we give the civil liberty of a civil war to the State enemies to raze this land and then at the cost of life galore, we try to bring law and order back with the help of an army, or we take the preventive measure of forestalling the criminal designs of those criminals and by arresting and putting in a few people in jail, we give to Bengal and to India peace after she has attained freedom in order to develop herself. That is the choice of the situation.

Sir, those dark forces of civil war, those dark forces for deciding our fate, not through the ballot-box but through the bullet, are today seeing the dread of a Maginot Line, seeing the dread of civil liberty, seeing the dread of all the horrors in which they had been participants during the British regime and like a spectre it is haunting them. So we have heard the frightened voices of those whose days have been doomed and who know that they are exposed before the bar of the people. They know that when they talk of demonstrations of the people before the gates of the Assembly, it is precisely because of those demonstrations, egged on by these agents of chaos, that some innocent people were killed, but the real culprits escaped with their skin. Certain honourable member of this House reported that he had been an eye-witness to it. He was not detained at that time or prevented from attending the House. He was egging on the miscreants from behind. After this, the people of Calcutta knew whose hands were at work and there was not a single voice of protest against that measure. Soon after, these dark forces of chaos gave a call for a general strike and what was the evidence of the people's verdict? Not a single institution went on strike. The honourable member for the Railway Trade Union Constituency had joined in that call for a general strike, but his own Railway Trade Union constituents repudiated him—not a single one went on strike. After this if he thinks still he has got the people's verdict in his favour, I challenge that he may resign his seat and try on this issue to seek re-election from the Railway Trade Union Constituency. If he thinks that the House has not been fair to him, if he thinks that the members of this Party are not fair to him, after he has given all the longest speeches and as many speeches as he liked, he has the clear course open to him to go and appeal to the bar of the people. Let him resign his seat and come back. Perhaps he may have a chance of occupying the Treasury Benches that he is so loath to do today. Sir, I shall wait for his reply in action, in conduct, as to what course he is to follow.

Sir, I need not say any more. I thought that after what had been pointed out by the Hon'ble Home Minister, it would be a matter for concern

to all honest citizens to see how such dangers may be thwarted. But those who are wide awake but pretend to be asleep and like to be Mary's little lambs—embodiment of innocence—their place is elsewhere, not on the floor of this House which is the custodian of the safety and security of this Province.

The Hon'ble Sri KIRAN SANKAR ROY: Mr. Speaker, now that the debate is practically over and in spite of the natural combination between the Communists and the communalists of this House, it is obvious that the House is overwhelmingly going to support the principles and measures of this Bill. I have no desire to detain this House for more than a minute or two. I only wish to say that it gives the Government no pleasure to enact laws authorising detention without trial, but the activities of the subversive groups have left us no choice, no option. Our conscience is absolutely clear in this matter. The responsibility for this Act must lie on those who are preaching hatred and practising violence against the State.

One honourable gentleman from that side of the House appealed to me to give an assurance that the Act will be used fairly and honestly. I wholeheartedly give that assurance. There may be mistakes—mistakes often happen. I appeal to the members of this House to inform me when we commit mistakes and I shall certainly try to rectify them. I shall require the assistance of every member of this House to see that not one innocent man suffers. I shall also require the assistance of every member of this House to see that not a single guilty person escapes be he a Communist or a Communalist, a *goonda*, a black marketeer or a smuggler.

The motion of the Hon'ble Sri Kiran Sankar Roy that the West Bengal Security (Amendment) Bill, 1948, as settled in the Assembly, be passed was then put and a division taken with the following result:—

AYES—41.

Bandopadhaya, Sri Pramatha Nath.
Banerjee, Sri Susil Kumar.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Chatterjee, Sri Haripada.
Choudhury, Sri Annada Prosad.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Deiui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Gayen, Sri Arabinda.
Ghose, Sri Bimal Comar.
Gomes, Mr. D.
Gupta, Sri J. C.
Haldar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Maiti, The Hon'ble Sri Nikunja Behari.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mallick, Sri Ashutosh.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mookerjee, The Hon'ble Sri Kalipada.
Mukherji, Sri Dhirendra Narayan.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Pramanik, Sri Rajani Kanta.
Roy, The Hon'ble Dr. Bidhan Chandra.
Roy, The Hon'ble Sri Kiran Sankar.
Sen, The Hon'ble Sri Prafulla Chandra.
Shamsul Huq, Janab.
Sinha, The Hon'ble Sri Bimal Chandra.

NOES—3.

Basu, Sri Jyoti.
Brahmin, Sri Ratanlal.
Mohamad Rafique, Shaik.

The Ayes being 41 and the Noes 3, the motion was carried.

Adjournment.

The House was then adjourned at 7-25 p.m. till 3-30 p.m. on Wednesday, the 29th September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 29th September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (THE HON'BLE SRI ISWAR DAS JALAN) in the Chair, 10 Hon'ble Ministers and 56 members.

STARRED QUESTION

(to which oral answer was given)

Rationing of kerosene oil.

***23. Maharaja SRISCHANDRA NANDY, of Cossimbazar:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if he is aware that in mofussil areas where there is either no electric power or where the supply of the power is uncertain or irregular, the public suffer extreme hardship due to rationing of kerosene oil;

(*b*) what is the actual quantity of kerosene oil which a family not having electric connection receives per week per head or per room, under the existing system;

(*c*) has the cut in the ration of kerosene oil been restored to its original quantity after the Provincial quota was restored; and

(*d*) in view of the great hardship now experienced by the public, if any, will the Government consider the desirability of re-examining the whole position and giving such relief in the shape of increased ration of kerosene so far as is possible under the present circumstances?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Sri Prafulla Chandra Sen): (*a*) The public suffer hardship not due to rationing of kerosene oil, but due to short supply of the commodity, a circumstance over which we have no control.

(*b*) (*i*) In the Calcutta Rationed Area (Initial and Extended) one unit, i.e., 22 ozs., is allowed per unlighted room per month.

(*ii*) During the War a family of 6 members in rural and urban areas used to get one bottle and three bottles of 22 ozs. each per month respectively. This was based on the basic quota of 50 per cent. of 1941 releases, 1941 being taken as a normal year so far as kerosene consumption is concerned. From July, 1947, the quota was reduced and in June, 1948, it came down to 42 per cent. of 1941 releases and there was a corresponding cut in the family quota. Since July last, the quota for the Province has been increased to about 65 per cent. of the 1941 releases and the quotas of families in rural and urban areas have been proportionately increased.

(*c*) The cut in the quotas of Calcutta ration has not yet been restored, but there has been a restoration of the cut in the districts since July last.

(*d*) The procurement of kerosene depends mainly on the Oil Companies and until the original quantity can be procured, no further relief to the public is possible.

Sri JYOTI BASU: With regard to answer (*d*), will the Hon'ble Minister please state whether there is any control of the Government over the companies with regard to the production of kerosene oil?

The Hon'ble Sri PRAFULLA CHANDRA SEN: 80 per cent. of the kerosene oil is not produced in India and therefore as there is not much production the question of control does not arise.

Sri JYOTI BASU: On the 20 per cent. which is produced in India, is there any control over the companies with regard to that quantity?

The Hon'ble Sri PRAFULLA CHANDRA SEN: Not much of a control. Only there is a sort of a gentleman's agreement between the Government of India and the companies.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Fire Station at Bankura.

6. **Sri KANAILAL DE:** Will the Hon'ble Minister in charge of the Health Department be pleased to state—

(*a*) বাঁকুড়ায় Fire Brigadeএর sub-station আছে কি না? থাকিলে তাহার বার্ষিক ব্যয় কত;

(*b*) গত এক বৎসরে বাঁকুড়ায় কোন অগ্নিকাণ্ড ঘটিয়াছে কি না; ঘটিয়া থাকিলে উহার সংখ্যা কত এবং কয়টি অগ্নিকাণ্ডে উক্ত Brigade অগ্নি নির্ব্বাপনে সাহায্য করিয়াছে;

(*c*) যদি অগ্নিকাণ্ড ঘটিয়া না থাকে তবে উহা বাঁকুড়ায় রাখিবার আবশ্যকতা কি;

(*d*) ইহা কি সত্য যে, বাঁকুড়ার জেলাশাসক ও ব্যবস্থা পরিষদের কয়েকজন সদস্যের নিকট উক্ত Brigadeএর আবশ্যকতা সম্বন্ধে সরকার মতামত চাহিয়াছিলেন; এবং

(*e*) সত্য হইলে উহা উঠাইয়া দিবার পক্ষে তাঁহারা মতামত দিয়াছিলেন কি না?

MINISTER in charge of the HEALTH DEPARTMENT (the Hon'ble Dr. Bidhan Chandra Roy): (*a*) আছে। গত ১৯৪৭-৪৮ সনের বার্ষিক ব্যয় হইয়াছিল ১৭,৫৬১৶ (সতের হাজার পাঁচ শতএকষট্টি টাকা দুই আনা মাত্র)।

(*b*) গত এক বৎসরে মোট ৮টি অগ্নিকাণ্ড ঘটিয়াছে এবং দুইটি ক্ষেত্র বাদে আর সব কয়টিতেই উক্ত Fire Brigade অগ্নি নির্ব্বাপনে যথোপযুক্ত সাহায্য করিয়াছে। দুইটি ক্ষেত্রে সময়মত সংবাদ না পাওয়ায় Fire Brigadeএর অগ্নি নির্ব্বাপনে সাহায্য করা সম্ভব হয় নাই।

(*c*) এ প্রশ্ন উঠে না।

(*d*) হ্যাঁ, সত্য।

(*e*) বাঁকুড়ার জেলাশাসক ও তত্রত্য একজন ব্যবস্থা পরিষদের সদস্য উক্ত Fire stationটি উঠাইয়া দিবার পক্ষে মত দিয়াছেন।

SRI KANAILAL DE: মাননীয় মন্ত্রী মহাশয় জানাবেন কি যে বাঁকুড়ার ঐ Fire Brigade station টা রাখা হবে কি না?

The Hon'ble Dr. BIDHAN CHANDRA ROY: আমরা আর একটি committee appoint করেছিলাম যার chairman ছিলেন মিঃ বিমল চন্দ্র ঘোষ; তিনি একটা report পাঠিয়েছেন। সেই report অনুসারে যা ব্যবস্থা করবার তা করবো।

SRI KANAILAL DE: মাননীয় মন্ত্রী মহাশয় বলবেন কি যে টাকা খরচ হয়েছে এক বছর Fire Brigade রাখবার জন্য তার তুলনায় তার কাছে service খুব কম পাওয়া গিয়াছে?

The Hon'ble Dr. BIDHAN CHANDRA ROY: আমি নিশ্চয় বলতে পারি যে তার কাছ থেকে service যদি না পাওয়া গিয়ে থাকে তো তাকে কখনও রাখা হবে না।

Subhankari Danra Scheme, Bankura.

7. Sri KANAI LAL DE: Will the Hon'ble Minister-in-charge of the Irrigation Department be pleased to state—

(a) বাঁকুড়া জেলার শুভঙ্করী দাঁড়া স্কিমের কাজ কতদূর অগ্রসর হইয়াছে ;

(b) (i) ১৫ই আগষ্ট ১৯৪৭ হইতে ৩১শে ডিসেম্বর ১৯৪৭ পর্য্যন্ত এবং

(ii) ১৫ই আগষ্ট ১৯৪৭ এর পূর্বের ঐ স্কিমে কত টাকা ব্যয় হইয়াছে ;

(c) কখন ঐ স্কিমের কাজ সম্পূর্ণ হইবে ;

(d) বাঁকুড়া জিলায় বিড়াই স্কিমের কাজ আরম্ভ হইয়াছে কিনা ;

(e) যদি না হইয়া থাকে তবে এখনও হয় নাই কেন ?

MINISTER in charge of the IRRIGATION DEPARTMENT (the Hon'ble Sri Bhupati Majumdar): *(a)* কিছু জমি দখল করা হইয়াছে। এবং আয়ত্ত জমি সংগ্রহের ব্যবস্থা চলিতেছে। দেজুড়ি বাঁধের মাটির কাজ প্রায় শতকরা ৬৭ ভাগ এবং পাথরের কাজ প্রায় শতকরা ২৫ ভাগ হইয়াছে। কানজোর বাঁধের কাজও সামান্য কিছু হইয়াছে।

(b) (i) স্থিতাবস্থার জন্য (standstill arrangement) ঐ সময় কোন ব্যয় হয় নাই।

(ii) টাকা ৪০২৫॥/০ আনা।

(c) আশা করা যায় ১৯৫০ সালে।

(d) হাঁ।

(e) এই প্রশ্ন উঠে না।

Extension of time for the submission of the Final Report of the Rule Making Committee of the West Bengal Legislative Assembly.

Sri ASHUTOSH MALLICK: Mr. Speaker, Sir, with your permission I beg to ask for an extension of time to submit the report of the Rule Making Committee which is having its deliberations. I therefore move that the time for submission of final report be extended till the 31st March, 1949.

Mr. SPEAKER: Is there any objection?

(As there was no objection the permission was granted.)

Resolution under section 103 of the Government of India Act, 1935.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to move that whereas the Indian Legislature has passed the Public Debt (Central Government) Act, 1944 (XVIII of 1944), consolidating and amending the law relating to Government securities issued by the Central Government and to the management by the Reserve Bank of India of the Public Debt of the Central Government;

And whereas, in order to avoid inconvenience to the Public, it appears to be desirable that the laws and regulations relating to Government securities and the management by the Reserve Bank of India of the Public Debt either of the Dominion or the Provincial Government should be uniform as far as possible throughout India;

Now, therefore, this Assembly is of opinion that under section 103 of the Government of India Act, 1935, the matters dealt with in the aforesaid Act shall be regulated in this Province by Act of the Dominion Legislature, in so far as Government securities issued by the Provincial Government and the management by the Reserve Bank of India of the Public Debt of the Provincial Government are concerned being matters falling within the scope of Entry 5 of the Provincial Legislative List, viz., "Public Debt of the Province".

Sir, with a view to consolidate and amend the law relating to Government securities issued by the Central Government and the law relating to the management by the Reserve Bank of India of the Public Debt of the Central Government, an Act called the Public Debt (Central Government) Act, 1944, was passed by the Indian Legislature. This Act contained provisions mainly for regulating the following matters:—

(*a*) transfer of Government securities,

(*b*) holding of Government securities by holders of public offices,

(*c*) right of survivors or joint holders or several payees,

(*d*) summary procedure on death of holders of Government securities,

(*e*) issues of duplicate securities and of new securities and conversion, consolidation, sub-division or renewal,

(*f*) summary determination by the Reserve Bank of the title to Government securities in case of dispute.

Sir, the law enacts certain standard practices in regard to holding, transfer and management of the Government securities. That law does not interfere with the power of the Provincial Government under the Government of India Act to issue its own securities or borrow in its own way. All it does is that it enacts standard practices in regard to the holding, transfer and management of Government securities. It is highly desirable in the public interest as well as for the convenience of the public that these matters of procedure should be uniform in their application to the securities of the Central and Provincial Governments. The honourable members are aware that under the Government of India Act, 1935, the Public Debt of the Dominion is a Central subject but the public debt of the Province is a provincial subject. Members are also aware of the provisions of section 103 of the Government of India Act, 1935, according to which the Dominion Legislature can pass law to regulate a provincial subject provided the Provincial Legislature passes a resolution requesting the Dominion Legislature to do so. Accordingly the Government of undivided India enquired of the Provincial Governments some time ago whether they would like the scope of the Central Act (Act XVIII of 1944) to be so extended by the Central Legislature as to cover securities issued by the Provincial Governments and, if so, whether they would be prepared to table a resolution under section 103 of the Government of India Act, 1935, before the Provincial Legislature for its consideration authorising the Central Legislature accordingly. The Government of India have recently informed this Government that all other provincial legislatures have passed such resolutions under section 103 of the Government of India Act, 1935. They have enquired whether the Government of West Bengal would now be prepared to take similar action in the current session of their legislature. At the request of all other legislatures the Dominion Legislature will extend the provisions of the Central Act, XVIII of 1944, to the public debt of the Provinces. It is undesirable that the West Bengal securities, if and when issued, would be left out of the scope of such laws.

With these words I commend my resolution for the acceptance of the House.

The motion was then put and agreed to.

Prorogation.

Mr. SPEAKER: I have it in command from His Excellency the Governor of West Bengal that this Assembly do stand prorogued.

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